

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19399 of 2015

C.Mannappan

... Petitioner

-Versus-

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Highways Department,
Secretariat,
Fort St. George,
Chennai 600 009.

2.The Chief Engineer,
Highways Department,
Investigation Planning and Design,
Guindy Estate,
Chennai 600 032.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the 2nd respondent to rectify the error in respect of fixation of scale of pay of the petitioner and place the petitioner in correct scale of pay from 12.12.1989 and consequently direct the 2nd respondent to grant all incidental monetary benefits to the petitioner including increments and arrears of pay and pension by placing him in the correct scale of pay to which he is eligible and pay the correct pension as applicable to him in future.

For petitioner : Mr.N.Kavitha Rameshwar
For Respondents : Mr.S.Gunasekaran, GA

ORDER

The petitioner is a retired Assistant Divisional Engineer. He retired from service on attaining the age of superannuation on 31.08.2002. According to the petitioner, he was not granted special grade pay in the scale of pay of Rs.2500 - 4200 from 12.12.1989, while others were granted. Further, according to the petitioner, he was also not given revision of pay as per G.O.No.304, Finance (Pay Commission) Department, dated 28.03.1990. He made a representation dated 28.07.2014 to the 2nd respondent in this regard. Now, the grievance of the petitioner is that his representation in respect of special grade pay and revision of pay as per G.O.No.304 dated 28.03.1990 has not so far been considered by the 2nd respondent. Hence, he is now before this court with this writ petition seeking for appropriate directions to the 2nd respondent.

2. The learned counsel for the petitioner would, during the course of hearing, submit that though a positive direction is sought for by the petitioner for fixation of special grade pay, the petitioner would be satisfied if a suitable direction is issued to the 2nd respondent to consider the representation of the petitioner dated 28.07.2014. The said statement is recorded.

3. The learned Government Advocate would submit that the representation of the petitioner would be considered in accordance with law within a time frame to be fixed by this court. The said statement is also recorded.

4. Considering the submissions made on either side and taking into consideration of the facts and circumstances of the case, this court directs the 2nd respondent to consider the representation of the petitioner dated 28.07.2014 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary to Government,
Highways Department, Secretariat,
Fort St. George, Chennai 600 009.

2.The Chief Engineer, Highways Department,
Investigation Planning
and Design,
Guindy Estate, Chennai 600 032.

+1cc to Ms. Kavitha Rameshwar,, Advocate, S.R.No.33121

+1cc to the Government Pleader, S.R.No.33336123

BVR(CO)
EU(16/07/2015)

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