

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.27253 of 2015

The Tamil Nadu Process Server  
(Junior Bailiff Association)  
having Registered Office at Sub Court  
Ponneri  
represented by its President  
T. Dhanapal

Petitioner

Vs.

1 The Registrar General  
High Court, Madras - 600 104

2 The Principal Secretary  
Government of Tamil Nadu  
Home (Courts V) Department  
Fort St. George  
Madras 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to dispose of the petitioner's representations dated 07.01.2015, 11.03.2015 and 18.08.2015 in respect of increase the fixed travel allowances from Rs.200/- to Rs.3,000/- accordingly.

For petitioner Mr. R. Marudhachalamurthy

For R1 Mr. P.K. Rajagopal

For R2 Mr. P.H. Arvind Pandian,  
Addl. Adv. General  
assisted by Mrs. A. Srijayanthi, Spl.  
Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2 The instant writ petition is filed by the petitioner association seeking a direction to the first respondent, viz., the Registrar General of this Court, to consider its representations dated 07.01.2015, 11.03.2015 and 18.08.2015 and appropriate orders.

3 During the pendency of this writ petition, on 22 September 2015, this Court made the following observation:

"2. Be that as it may, since the travelling allowance was fixed long back, the State Government is advised to consider the representation for the interregnum period to some extent.

3. Accordingly, we grant two weeks time to the learned Additional Advocate General appearing for the State Government to seek instruction and file appropriate affidavit."

4 Responding to the said observation, the State Government has passed G.O. (Ms.) No.803, Home (Courts-V) Department dated 04 November 2015, the operative portion of which reads as under:

"6. The Government have examined the request of the petitioners in the light of the orders of the High Court of Madras and have decided to enhance the Fixed Travelling Allowance to the petitioners for the interregnum period to some extent. Accordingly, Government direct that the Fixed Travelling Allowance of Rs.200/- p.m. be enhanced to Rs.300/- p.m. in respect of Process Servers (Junior Bailiffs) and Rs.400/- p.m. in respect of Bailiffs (Senior Bailiffs) with effect from the date of issue of this order."

5 The learned counsel for the petitioner submits that the aforesaid relief granted by the Government does not satisfy the requirement.

6 Looking into the relief sought in this writ petition, we are not disposed to consider the case on merits, however, leaving it open to the first respondent to examine the facts and take an appropriate decision. We accordingly direct the first

respondent to consider the aforestated representations made by the petitioner association and take a decision on merits and in accordance with law.

The writ petition stands disposed of accordingly.  
Costs made easy.

Sd/-  
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cad  
To

1 The Registrar General  
High Court, Madras - 600 104

2 The Principal Secretary  
Government of Tamil Nadu  
Home (Courts V) Department  
Fort St. George  
Madras 600 009

+1 cc to Government Pleader, Advocate, sr.62655  
+1 cc to M/s.R.Mandhachalamurthy, Advocate, sr.62277

W.P. No.27253 of 2015

rsi co  
kra 25.11.2015

सत्यमेव जयते  
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