

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31380/2015

E.Xavier Alexander

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Petitioner

Versus

1. Engineer-in-Chief,
Water Resources Department (WRO),
Public Works Department (PWD),
Chepauk, Chennai-600 005.
2. The Executive Engineer,
Water Resources Department (WRO),
Public Works Department (PWD),
Trichy Region, Trichy.
3. The Assistant Executive Engineer,
(PWD), Musiri Sub-Division, Musiri. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents, espically the 1st Respondent to order for the Revision of the Petitioner's Scale of Pay besides disbursing the Difference in the Pay Arrears, Pension Arrears apart from revising the Pension entitled to by the Petitioner after Re-fixing his Last Drawn Scale of Pay taking into account the Selection and Special Grade Scales of Pay in the cadre of 'Irrigation Assistant' applying his proceedings made in Letter No.S4 (3) / 65265 / 97, dated 13.05.1999 in the course of implementing Paragraph-9 of G.O.Ms.No.666, Finance (Pay-Commission), dated 27.06.1989, besides granting 'Stagnation Increment' entitled to by the Petitioner in accordance with G.O.Ms.No.562 Finance (Pay-Cell) Department, dated 28.09.1998 and G.O.Ms.No.241, Finance (Pay-Cell) Department, dated 01.04.1981, considering the Petitioner's Revision Petition dated 11.05.2015, the Reminder dated 21.07.2015.

For Petitioner : Mr.A.Amal Raj

For Respondents : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he was appointed as Head Mazdoor on 10.07.1968 at the office of the Executive Engineer, Small Arms Project, Trichy and the said project was wound up and during March 1969, he was transferred to the office of the Executive Engineer, Project Investigation Division [PID], Thiruchirappalli, as "Irrigation Assistant", which was known as "Laskar" and it is equivalent to the original post, viz., Head Mazdoor with same scale of pay. The petitioner was transferred to "Cauvery Modernisation Division", Musiri, as "Irrigation Assistant" during the year 1974 and in the year 1994, he was transferred to R.C.Division, Trichy in the same capacity. The grievance expressed by the petitioner is that throughout his career, he was not given any promotion and he was visited with departmental proceedings, which culminated into an order of punishment of removal from service and it was put to challenge before the Tamil Nadu Administrative Tribunal in OA.No.2780/1996 and the order of removal from service was set aside and the petitioner was directed to be reinstated. However, salary was directed to be paid only from the date of the order passed by the Tamil Nadu Administrative Tribunal and not from the date of punishment, i.e., 06.04.1996. The petitioner has attained the age of superannuation on 30.11.2002. The grievance expressed by the petitioner is that he was not conferred with the benefit of selection/special grade scales of pay, in spite of the fact that he has been reinstated in service and in this regard, the petitioner has submitted a representation dated 11.05.2015 to the 1st respondent followed by a reminder dated 21.07.2015 and since no orders have been passed, he came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 11.05.2015 and the reminder dated 21.07.2015 in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

AP

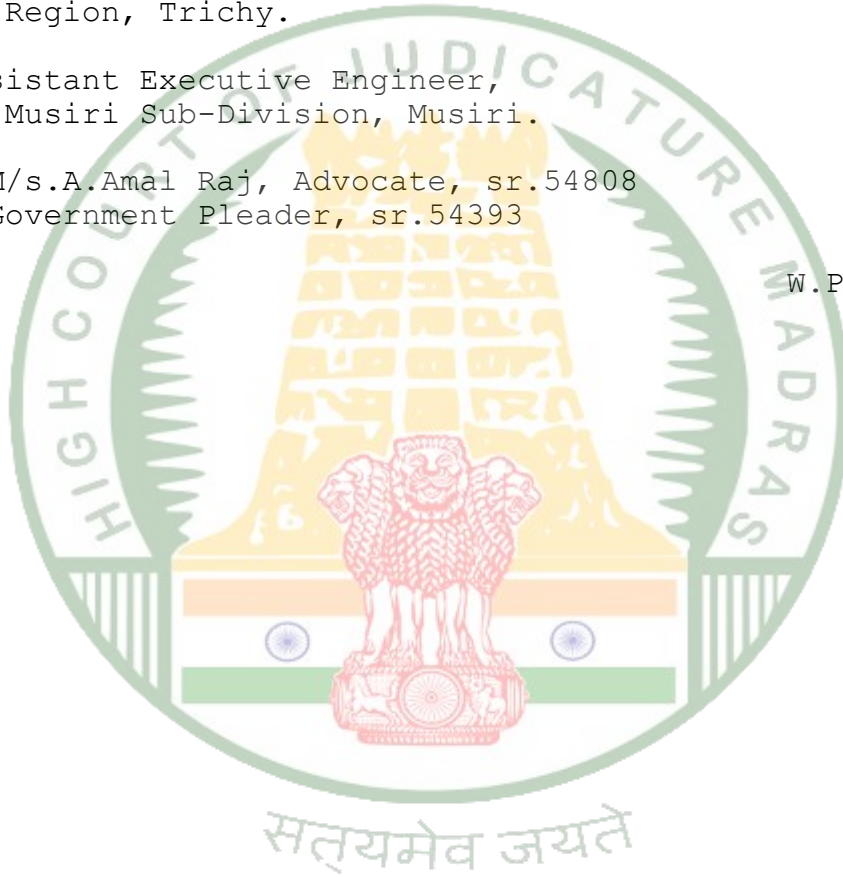
To

1. Engineer-in-Chief,
Water Resources Department (WRO),
Public Works Department (PWD),
Chepauk, Chennai-600 005.
2. The Executive Engineer,
Water Resources Department (WRO),
Public Works Department (PWD),
Trichy Region, Trichy.
3. The Assistant Executive Engineer,
(PWD), Musiri Sub-Division, Musiri.

+1 cc to M/s.A.Amal Raj, Advocate, sr.54808
+1 cc to Government Pleader, sr.54393

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