

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33005 of 2015

S.E.Mathaiyan

.. Petitioner

Vs.

1 Government of Tamil Nadu,
Rep. by Secretary to Government, Municipal
Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

2 The Commissioner of Municipal
Administration, Chepauk,
Chennai - 600 005.

3 The Commissioner,
Salem City Municipal Corporation,
Salem.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to consider the claim of the petitioner for absorption as Skilled Assistant Grade I with effect from 03.11.1988 and as Technical Assistant w.e.f. 01.01.1996 and for consequential service and monetary benefits and pass orders on merits and in accordance with law within a limited time-frame as deemed fit by this Honourable Court.

For Petitioner : Ms.N.Revathi

For Respondents : Mr.S.Gunasekaran for R1 and R2
Government Advocate
Mrs.K.Bhuvaneswari for R3

O R D E R

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

2. The petitioner claims that he has passed SSLC (old pattern) during March, 1972 and also passed ITI Trade Test in Fitter trade in the year 1983 and also completed All India Course for Filter Bed Operator on 23.12.1980 and got appointment as a cleaner in the services of Salem Municipality on 08.06.1979. Later on, the petitioner was promoted to the post of Filter Bed Operator Grade II dated 03.11.1998 and the sale of pay of Rs.550-970 vide proceedings of the Commission of Salem Municipality dated 31.10.1988 and was awarded Selection Grade.

3. It is further stated by the petitioner that subsequently, Salem Municipality was upgraded as Salem City Municipal Corporation and Government Orders were passed based on which, several posts in the Engineering Wing of the Corporation were amalgamated and re-designated and insofar as the petitioner is concerned, the post of Filter Bed Operator Grade II was re-designated as Skilled Assistant Grade II in the scale of pay of Rs.950-1500 with fixation of pay benefits from 15.05.1998. The petitioner got his promotion as Skilled Assistant Grade I on 23.02.2001. The petitioner would claim by virtue of his position, he has to supervise the work of nine unskilled workers, three watchmen and three gardeners and as per G.O.762, Finance (Pc) Department, dated 20.08.1986, in respect of persons Fitters who have passed SSLC and also ITI Trade Test, the scale of pay Rs.610-1075 and selection grade scale of pay is Rs.705 - 1230. Though the petitioner has fulfilled the said qualification, he has not been conferred with such benefit, but only in the scale of pay of SSLC and in this regard, he has also submitted a representation dated 06.10.2014 to the first respondent and since no orders have been passed, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that in the interregnum, the petitioner retired from service on 30.09.2013 and in similar facts and circumstances, this Court in the order dated 25.04.2012 made in W.P.Nos.9619 to 9621 of 2012 has directed the respondents therein to re-designate the petitioners therein as Mechanic/ Mechanic Grade I and to grant them the scale of pay applicable to the said post with effect from their initial appointment along with subsequent revisions of pay and allowances and it was also implemented by issuing G.O.Ms.No.192, Higher Education (G2) Department, dated 21.11.2014 and prays for appropriate orders.

5. This Court also heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned counsel who accepts notice on behalf of the third respondent.

6. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 06.10.2014 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

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Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
 - 2 The Commissioner of Municipal
Administration, Chepauk,
Chennai - 600 005.
 - 3 The Commissioner,
Salem City Municipal Corporation,
Salem.
- +1 C.C. To MR.M.Ravi Advocate in SR.NO.56725
+1 C.C. To MR.K.Bhuvaneswari Advocate in SR.NO.56783
+1 C.C. To Government Pleader in SR.NO.57554

W.P.No.33005 of 2015

TM(CO)
sd : 05/11/2015

सत्यमेव जयते

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