

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34909 of 2015

S.Dheenadayalan

...Petitioner

-Vs-

The Collector
Nagapattinam
Nagapattinam District.

....Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the Petitioners representation dated 24-08-2015 requesting for fixation of pay in the post of Assistant Engineer and Assistant Executive Engineer as per the One Man Commission recommendations as done in the case of Tmt.P.Gandhimathi and pass appropriate orders thereon within a time limit.

For Petitioner : Mr.P.Rajendran
For Respondents : Mr. N.Srinivasan AGP

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was initially appointed as an Union Overseer in the Rural Development Department on 06.08.1981 and got his promotion as an Assistant Engineer in the year 2002 and further got promotion as an Assistant Executive Engineer with effect from 06.03.2009. Pendency of disciplinary proceedings initiated against the petitioner, he was permitted to retire from services on attaining the age of superannuation on 28.2.2015 without prejudice to the action under Rule 9 of the Tamil Nadu Pension Rules, 1978 and at that time, he was working as Assistant Executive Engineer, District Rural Development Agency, Nagapattinam. Petitioner would state that in respect of Tmt. P.Gandhimathi, Assistant Engineer, who was promoted as the Assistant Executive Engineer, the pay was fixed at a revised Pay

Band of Rs.15600-39100 + 5400 Grade Pay in the post of Assistant Engineer with a notional effect from 01.01.2006 and monetary benefits with effect from 01.12.2010. The pay in the post of Assistant Engineer was also revised in the pay scale of Rs.9300-39100 + GP 6600. Since the petitioner is also similarly placed, he submitted a representation dated 24.8.2015 to the respondent and since no orders have been passed, came forward with this present writ petition.

3. This Court heard the submissions of the learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of respondent.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the case, directs the respondent to consider and dispose of the petitioners' representation dated 24.8.2015 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

kua

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

The Collector
Nagapattinam Nagapattinam District.

+ 1 cc to the Govt.Pleader SR 59848

+ 1 cc to Mr.P.Rajendran, Advocate SR 59669

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