

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36122 of 2015

S.Subramaniam

..Petitioner

Vs.

1. The State of Tamilnadu,
Rep.by its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Town Panchayats,
Kuralagam,
Chennai - 600 108.

.. Respondents

Prayer : The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant revision of scale of pay in the post of Executive Officer Grade-I from the year 2005-2006 and in the post of Selection Grade Executive Officer in the year 2009-2010 based on revision of seniority following State seniority as per the proceedings of second respondent issued in Na.Ka.No.6793/2009/A7 dated 28.03.2013, with consequential payment of arrears of salary including revised retirement benefits and other pensionary benefits payable to the post of Selection Grade Executive Officer from the date of retirement on 31.01.2013 with all consequential and other attendant benefits by considering the representation submitted by the petitioner dated 29.03.2015 and the subsequent representation dated 24.08.2015.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.M.L.Mahendran
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.M.L.Mahendren, learned Government Advocate for the respondents.

3. The case of the petitioner is that he was initially appointed as Bill Collector in Town Panchayat Services on 11.09.1974. Later, he was promoted to the post of Junior Assistant on 01.09.1995 and as Executive Officer Grade - II on 21.11.2008 and further promotion was given as Executive Officer Grade - I on 16.09.2011 and he retired from service on 31.01.2013 on attaining the age of superannuation.

4. The learned counsel for the petitioner would contend that various categories of posts in the Town Panchayat Department are being governed by Special Rules for Tamil Nadu Town Panchayat Subordinate Services. Since the District Level seniority was being maintained for Ministerial Posts, there were large scale discrepancies with reference to promotion to the post of Special Grade Executive Officer/Executive Officer. Thereafter, as per the order passed in O.A.Nos.2526 and 2916 of 1990 by the Tamil Nadu Administrative Tribunal which was confirmed in SLP No.17335 of 1994 by the Hon'ble Supreme Court of India, the State Government issued G.O.M.S.No.62 Municipal Administration and Water Supply (TPI) Department dated 18.04.2009 to implement the order of the Tribunal permitting the employee to the post of Selection Grade Executive Officer by considering their seniority with effect from the date of their entry into the category in the Ministerial service.

5. As per the amended Rules, the post of Executive Officer Grade - I is brought under State unit. Further, as per G.O.Ms.No.42 MAWS dated 18.04.2012, the post of Executive Officer Grade - II was also brought under State unit. It is further contended that as per the amended rules, the State wide seniority was revised, however, the benefits have not been settled to the petitioner till date. Therefore, he gave representations to the second respondent on 29.03.2015 and on 24.08.2015, which were not considered. Hence, the present writ petition.

6. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representations dated 29.03.2015 and 24.08.2015 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

With the above direction, the writ petition is disposed of. No costs.
Sms

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
The State of Tamilnadu,
Municipal Administration & Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Town Panchayats,
Kuralagam,
Chennai - 600 108.

+1 C.C. To MR.G.Sankaran, Advocate in SR.NO.61679

+1 C.C. To Government Pleader in SR.NO.61786

W.P.No.36122 of 2015

SV(CO)
sd : 14/12/2015

सत्यमेव जयते
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