



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 21.07.2015  
CORAM:

**THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN**

WEB COPY

W.P. (MD) No.12468 of 2015

1.A.R.Karuppaiah  
2.A.Nasharali  
3.M.Raja  
4.S.Arumugam  
5.K.Abdul Ali  
6.S.Perumal  
7.V.Nagarajan  
8.M.Francise  
9.R.M.Sornam

... Petitioners

Vs.

1.The Secretary to Government,  
Finance (Pay Cell) Department,  
Fort St.George,  
Chennai - 9.

2.The Accountant General,  
Theynapettai,  
Chennai - 18.

3.The Assistant Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Palaru Basin Sub Division,  
Singampunari,  
Sivagangai District.

4.The Assistant Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Virusalayar Basin Sub Division,  
Near Bus Stand,  
Thiruppathur,  
Sivagangai District.

5.The Divisional Engineer,  
High Way Construction and Maintenance Division,  
Sivagangai District.

6.The Assistant Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Kottu Karaiyaru Sub Division,  
Illayankudi, Sivagangai District.

7.The Assistant Executive Engineer,  
Public Works Department,  
Construction and Maintenance,  
Sub Division II, Madurai.



8.The Assistant Executive Engineer,  
Sarukaniyaru Sub Division,  
Sivagangai District.

9.The Assistant Executive Engineer,  
Public Works Department,  
Building Construction & Maintenance,  
Sub Division,  
Master Plan Complex,  
Sivagangai District.

10.The Assistant Executive Engineer,  
Periyar Vaigai Sub Division,  
Sub Division I,  
Public Works Department,  
Tallakulam,  
Madurai - 2.

11.The Divisional Engineer,  
Construction and Maintenance Division,  
Highways Travellers Bungalow,  
Ramanathapuram District.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re fix the scale of pay of the respective petitioners in accordance with schedule II of Tamil Nadu Revised Scale of Pay Rules, 1998 and to pay different in salary and the arrears of difference in pension with effect from 01.01.1996 based on such re fixation.

For Petitioner : Mr.S.Balamurugan  
For Respondents : Mr.K.P.Krishnadoss, G.A.

### **O R D E R**

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to re fix the scale of pay of the respective petitioners in accordance with Schedule II of Tamil Nadu Revised Scale of Pay Rules, 1998 and to pay different in salary and the arrears of difference in pension with effect from 01.01.1996 based on such re fixation.

2.Mr.K.P.Krishnadoss, learned Government Advocate takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Even though the petitioners have come forward with the aforesaid prayer, the learned counsel for the petitioners submitted that the representation of the petitioners dated 17.06.2015 may be considered in the light of the order dated 23.04.2015 passed by this Court in W.P.(MD) No.6540 of 2015, which has been confirmed by the Hon'ble Supreme Court.

4.The learned Government Advocate appearing for the respondents submitted that the claim of the petitioners has been rejected on the ground of laches and that they are not entitled for getting any relief as prayed for.



5. In view of the limited scope of the prayer now sought, the respondents are directed to consider the representation of the petitioners, dated 17.06.2015 on merits and in accordance with law, and in the light of the order dated 23.04.2015 in W.P.(MD)No.6540 of 2015, if applicable, after hearing the petitioners, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

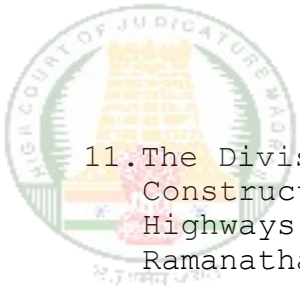
Sd/-  
Assistant Registrar (Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government, Finance (Pay Cell) Department,  
Fort St. George, Chennai - 9.
2. The Accountant General, Theynampettai, Chennai - 18.
3. The Assistant Executive Engineer, Public Works Department,  
Water Resources Organization, Palaru Basin Sub Division,  
Singampunari, Sivagangai District.
4. The Assistant Executive Engineer, Public Works Department,  
Water Resources Organization, Virusalayar Basin Sub Division,  
Near Bus Stand, Thiruppathur, Sivagangai District.
5. The Divisional Engineer, High Way Construction and  
Maintenance Division, Sivagangai District.
6. The Assistant Executive Engineer, Public Works Department,  
Water Resources Organization, Kottu Karaiyaru Sub Division,  
Illayankudi, Sivagangai District.
7. The Assistant Executive Engineer, Public Works Department,  
Construction and Maintenance, Sub Division II, Madurai.
8. The Assistant Executive Engineer, Sarukaniyaru Sub Division,  
Sivagangai District.
9. The Assistant Executive Engineer, Public Works Department,  
Building Construction & Maintenance, Sub Division,  
Master Plan Complex, Sivagangai District.
10. The Assistant Executive Engineer, Periyar Vaigai Sub Division,  
Sub Division I, Public Works Department,  
Tallakulam, Madurai - 2.



11.The Divisional Engineer,  
Construction and Maintenance Division,  
Highways Travellers Bungalow,  
Ramanathapuram District.

+1CC to Mr. Balamurugan, Advocate, SR.No.39761  
+1CC to Special Government Pleader SR.No.40338

W.P. (MD) No.12468 of 2015

21.07.2015

4P/14C  
AM/SAR-1/06.08.2015