

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17495 of 2016

K.Swaminathan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu
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-600 104.
- 3.The District Collector
Erode District
Erode.
- 4.The Assistant Director of Town Panchayats
Collectorate
Erode
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to pass appropriate orders for revision of pay and other retirement benefits payable to the petitioner in accordance with Rule 27 (17) of Fundamental Rules as directed as per the order of the 1st respondent issued in letter No.30885/TP.1/2014-1, dated 04.02.2015 as well as orders passed by the 2nd respondent in Na.Ka.No.6129/2015/A7, dated 03.07.2015, with all consequential benefits including arrears of salary by considering the representation submitted by the petitioner, dated 19.12.2015, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran
Addl Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to pass appropriate orders for revision of pay and other retirement benefits payable to the petitioner in accordance with Rule 27(17) of Fundamental Rules as directed as per the order of the 1st respondent issued in letter No.30885/TP.1/2014-1, dated 04.02.2015 as well as orders passed by the 2nd respondent in Na.Ka.No.6129/2015/A7, dated 03.07.2015, with all consequential benefits including arrears of salary by considering the representation submitted by the petitioner, dated 19.12.2015, within a time frame to be fixed by this Court.

3. The petitioner was initially appointed as Bill Collector in Town Panchayat Services. Subsequently, he got several promotions and retired from service as Selection Grade Executive Officer. Since there was District Level Seniority maintained with regard to Ministerial posts, there were large discrepancies with regard to promotion to the post of Special Grade Executive Officer/Executive Officer, which resulted in filing of cases before the Tamil Nadu Administrative Tribunal. The Tamil Nadu Administrative Tribunal passed orders in O.A.Nos.2526 and 2916 of 1990 etc., dated 25.04.1994, directing the State Government to bring the various categories of posts in Town Panchayat Services as State wide cadre. The Tribunal further directed for promotion to the post of Selection Grade Executive Officer, by considering seniority with reference to the services from the date of entry into the category in the Ministerial service in which persons are initially appointed in all Districts. Subsequently, the Government issued several Government Orders, viz., G.O.Ms.No.62 Municipal Administration and Water Supply (TPI) Department, dated 18.04.2009, G.O.Ms.No.42 Municipal Administration and Water Supply, dated 18.04.2012, and G.O.Ms.No.107 Municipal Administration and Water Supply, dated 22.11.2012, by which, the post of Executive Officer Grade-I, Executive Officer Grade-II and Head Clerk/Assistant respectively in Town Panchayat Department respectively are brought under State Unit. The petitioner has submitted a representation, dated 01.09.2014, seeking the benefit of post and pay parity on par with his junior R.Jeyabal, who was initially appointed as Junior Assistant on 20.07.1972, subsequent to the petitioner's date of appointment in the post of Junior Assistant on 01.09.2014. The Government issued orders in G.O.Ms.No.30885/TP-I/2014-1, dated 04.02.2015, with a direction to the 4th respondent for fixation of salary as per Rule 27(17) of Fundamental Rules. But, till date, the 4th respondent has not passed the consequential order for revision of salary and terminal benefits, payable to the

petitioner. Again, the 3rd respondent has forwarded proposal to the 2nd respondent on 28.04.2015. The 2nd respondent issued the proceedings dated 03.07.2015, for revision of pay fixation under Rule 27(17) of Fundamental Rules. Even thereafter, no orders have been passed by the 4th respondent till date for revision of salary as per Rule 27(17) of Fundamental Rules and hence, this Writ Petition has been filed.

4. Mr.G.Sankaran, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if the representation of the petitioner dated 19.12.2015, is directed to be considered and appropriate orders are passed, as per Rule 27(17) of Fundamental Rules.

5. Mr.S.Gunasekaran, the learned Additional Government Pleader has got no serious objection in directing the 4th respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 4th respondent, to consider the representation of the petitioner, dated 19.12.2015, and pass appropriate orders, as per Rule 27 (17) of Fundamental Rules, after affording sufficient opportunity to the petitioner, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.
paa

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
Municipal Administration & Water Supply Department
Secretariat
Fort St.George
Chennai-600 009.

2.The Director of Town Panchayats
Kuralagam
Chennai-600 104.

3.The District Collector
Erode District
Erode.

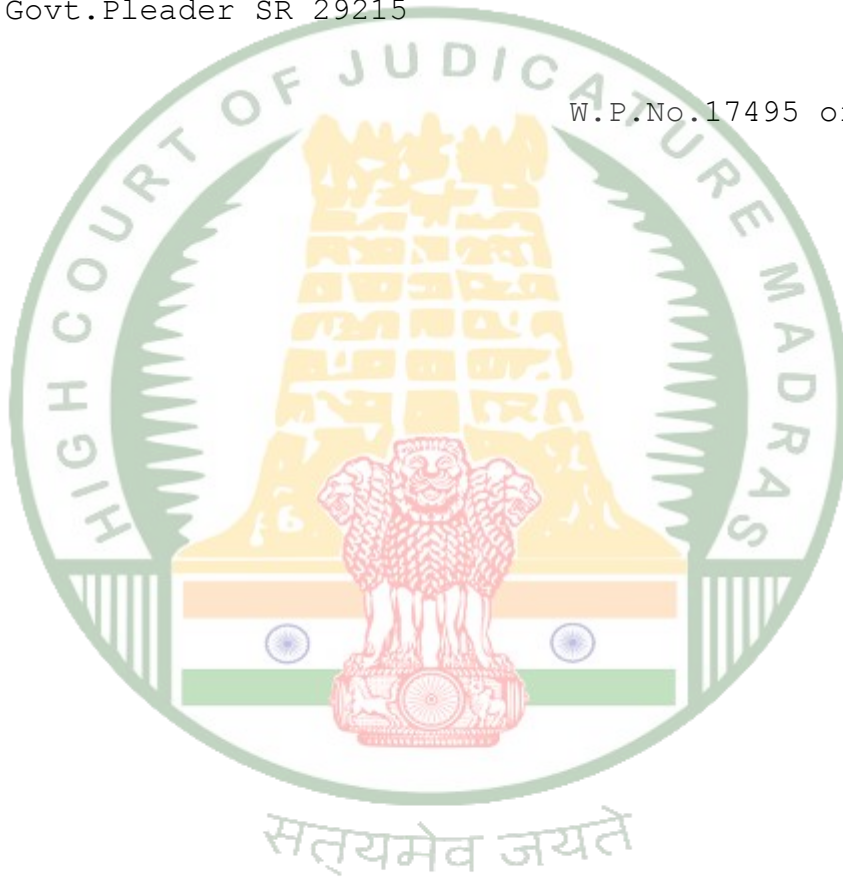
4.The Assistant Director of Town Panchayats
Collectorate
Erode
Erode District.

+ 1 cc to Mr.G.Sankaran, Advocate SR 29321

+ 1 cc to Govt.Pleader SR 29215

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