

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20260 of 2016

G.P.Perumal

.. Petitioner

vs

1. The State of Tamil Nadu
rep.by its Secretary
Revenue Department
Fort St.George
Chennai 600 009.
2. The State of Tamil Nadu
rep.by its Principal Secretary
Public (Spl.A) Department
Fort St.George
Chennai 600 009.
3. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 600 005.
4. The District Collector
Salem District
Salem.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to issue necessary orders for fixing the pay of the petitioner at Rs.2,275/- with effect from 10.01.1986 by creating a supernumerary post in the cadre of Deputy Collector so as to enable the petitioner to draw arrears of pay in the cadre of Deputy Collector from 10.01.1986 to 12.06.1991 and to draw arrears of pay in the cadre of District Revenue Officer for the period from 12.06.1991 to 31.05.1994 by considering and passing orders on the representations of the petitioner dated 29.04.2013 and 07.05.2013 in the light of the recommendations of the third respondent in Letter No.RA.3(2)/82044/2009 dated 15.06.2013.

For Petitioner : Mr.K.Selvaraj
M/s.Sugirdha Selvaraj

For Respondents: Mr.M.Dig Vijay Pandian
Additional Government Pleader

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Mr.Dig Vijay Pandian, the learned Additional Government Pleader takes notice on behalf of the respondents.

3. The prayer in the writ petition is for the issuance of writ of mandamus to direct the first respondent to issue necessary orders for fixing the pay of the petitioner at Rs.2,275/- with effect from 10.01.1986 by creating a supernumerary post in the cadre of Deputy Collector so as to enable the petitioner to draw arrears of pay in the cadre of Deputy Collector from 10.01.1986 to 12.06.1991 and to draw arrears of pay in the cadre of District Revenue Officer for the period from 12.06.1991 to 31.05.1994 by considering and passing orders on the representation of the petitioner dated 29.04.2013 and 07.05.2013 in the light of the recommendations of the third respondent in Letter No.RA.3(2)/82044/2009 dated 15.06.2013.

4. The case of the petitioner is that, he was appointed as a Typist in the year 1955 and thereafter, he was promoted as an Assistant. During the year 1975, he was further promoted to the post of Deputy Tahsildar. Thereafter, the petitioner filed O.A.before the Tamil Nadu Administrative Tribunal seeking a direction to the respondents to fix his seniority in the cadre of Assistant by counting his service. The said application was allowed by this Court in W.P.No.26656 of 2005 and the respondents have also placed the petitioner above his junior and included his name in the panel of District Collector for the year 1990. The third respondent also has recommended to respondents 1 and 2 herein to issue orders for fixing the pay of the petitioner at Rs.2,275/- with effect from 10.01.1986 by creating a supernumerary post in the cadre of Deputy Collector. In this regard, he has also submitted a representation to the respondents dated 31.01.2016; since the same has not been considered, the petitioner is before this Court.

5. The learned counsel for the petitioner would submit that the petitioner is a Senior Citizen, aged about 81 years and even though the case of the petitioner was recommended by the third respondent to first and second respondents, the authority

concerned is not taking any steps to consider his case. Therefore, he would pray that a direction may be issued to the respondents 1 and 2 for considering the case of the petitioner, in the light of the recommendations made by the third respondent.

6. Learned Additional Government Pleader appearing on behalf of respondents have got no serious objection for such course of action.

7. Considering the limited relief sought for by the petitioner, especially, to consider his representation dated 31.01.2016 and also taking into account the fact that the petitioner is a Senior Citizen, aged about 81 years, this Court without going into the merits of the matter, directs the respondents 1 and 2 to consider the aforesaid representation of the petitioner, in the light of the recommendation made by the third respondent in Letter No.RA.3(2)/82044/2009 dated 15.06.2013 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Secretary
State of Tamil Nadu
Revenue Department
Fort St.George
Chennai 600 009.
2. The Principal Secretary
to State of Tamil Nadu
Public (Spl.A) Department
Fort St.George
Chennai 600 009.

3. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 600 005.

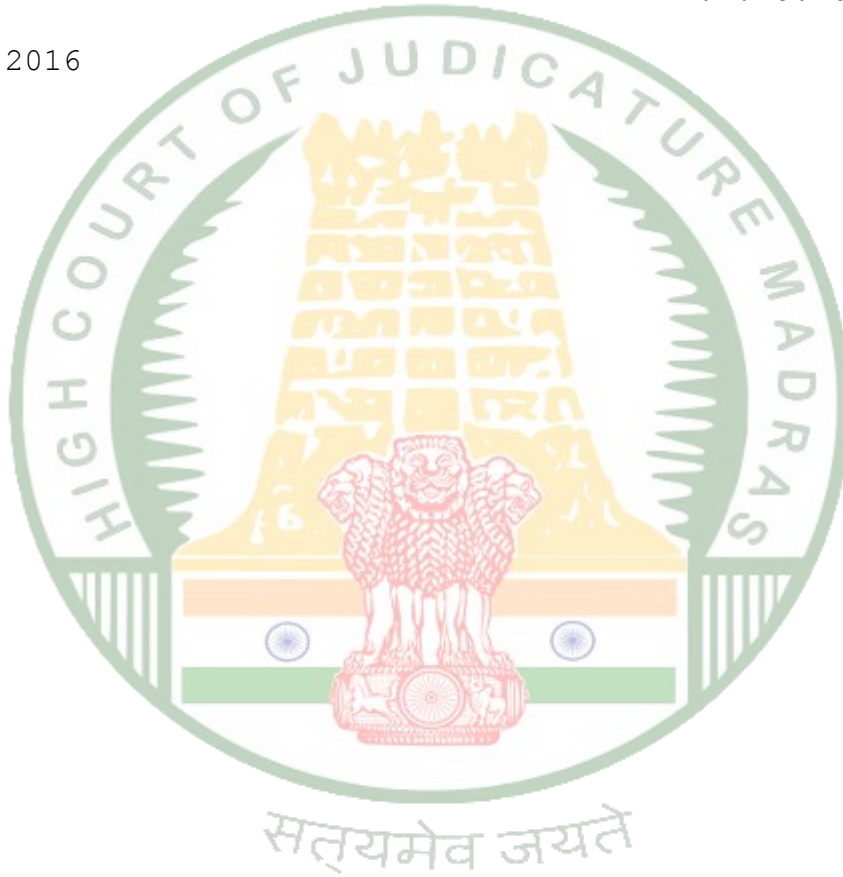
4. The District Collector
Salem District
Salem.

1 cc to Government Pleader, sr.33310

1 cc to Mr.K.Selvaraj, Advocate, sr.33020

W.P.No.20260 of 2016

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