

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32781 of 2016

E.Balasubramaniam

... Petitioner

vs.

1.The Union of India,
rep. by Government of
Puducherry,
Chief Secretariat,
Puducherry-605 001.

2.The Secretary,
Legislative Assembly Secretariat,
Puducherry.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to act on the petitioner representation dated 29.2.2016 and 11.4.2016 within a stipulated period.

For Petitioner :Mr.D.Sreenivasan

For Respondents :Mr.C.T.Ramesh,
Addl. Govt. Pleader,
Puducherry.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to act on his representations dated 29.2.2016 and 11.4.2016 within a stipulated period.

3. It is the case of the petitioner that he was appointed as Telephone Operator by the Legislative Assembly Secretariat, Puducherry with effect from 8.2.1993 and he has completed 22 years of service and his scale of pay was stagnated without any promotion. On 29.7.1980, two posts of Telephone

Operator were created exclusively for the Legislative Assembly Department, Puducherry, out of which one post was occupied by one D.Parassouramane and another post has been occupied by the petitioner from 8.2.1993 till date. The cadre of Telephone Operator was having neither feeder cadre nor promotional cadre and in the parlance of ACP scheme, it can be observed that this cadre should be treated as isolated cadre or stand alone post. On completion of 12 years of service, the respondents granted first financial upgradation under ACP scheme by placing the petitioner in the next higher scale of pay of Rs.3200-4900 from Rs.3050-4590 with effect from 8.2.2005 on the plea that he belongs to isolated category. However, the petitioner should have been granted the pay scale of Rs.4500-7000 with effect from 8.2.2005 in the light of the Government of India clarifications dated 10.2.2000. In this regard, the petitioner sent representations dated 29.2.2016 and 11.4.2016 to the second respondent requesting him for revising the pay scale. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, Puducherry, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order seeking revision of pay scale, to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

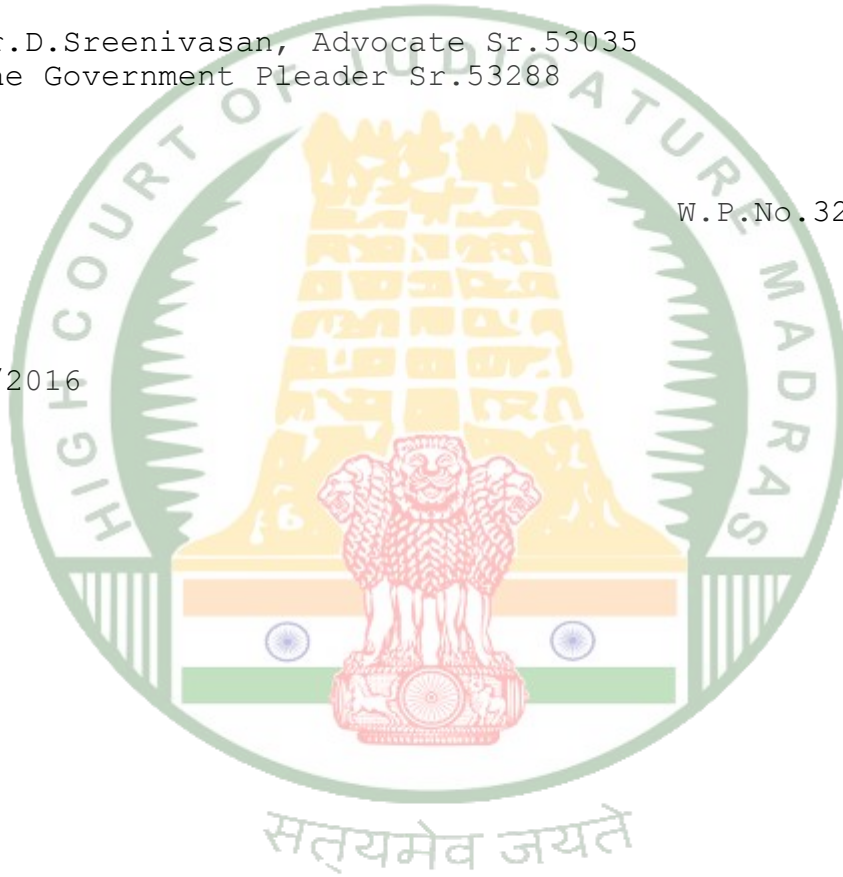
1.The Government of
Puducherry,
Union of India,
Chief Secretariat,
Puducherry-605 001.

2.The Secretary,
Legislative Assembly Secretariat,
Puducherry.

+lcc to Mr.D.Sreenivasan, Advocate Sr.53035
+lcc to the Government Pleader Sr.53288

W.P.No.32781 of 2016

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srg 19/10/2016



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