

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.27350 and 27351 of 2016

P.Mariappan .. Petitioner in W.P.No.27350 of 2016

K.Gabriel .. Petitioner in W.P.No.27351 of 2016

Vs.

State rep. by
The Secretary
Higher Education (2) Department
Secretariat
Fort St.George
Chennai-600 009.

The Commissioner of Technical Education
Directorate of Technical Education (Engineering)
Guindy
Chennai-600 025. ... Respondents 1 and 2 in both W.P.s

The Principal
Government Engineering College
Salem-11. ... 3rd Respondent W.P.No.27350 of 2016

The Principal
Thanthai Periyar Government Engineering College
Vellore-2. 3rd Respondent in W.P.No.27351 of
2016

The Principal
Thanthai Periyar E.V.Ramsamy Polytechnic College
Vellore-2. ... 4th respondent in W.P.No.27351 of
2016

Writ Petitions filed under Article 226 of the Constitution of India praying for Writ of Mandamus, to direct the respondents to pay each year's salary increment and other service benefits from the date of regularization viz., 30.03.2006 and pay the arrears thereof, consequently, to direct the respondents to count 50% of service rendered by the petitioners before regularization for the purpose of terminal benefits and in the case of the petitioner in W.P.No.27351 of 2016, by considering his representation, dated 24.08.2012 and

to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners	:Mr.M.Elango
in both WPs.	
For Respondents	:Mrs.M.E.Raniselvam
in both WPs.	Additional Government Pleader

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. These Writ Petitions have been filed to issue Writ of Mandamus, to direct the respondents to pay each year's salary increment and other service benefits from the date of regularization viz., 30.03.2006 and pay the arrears thereof, consequently, to direct the respondents to count 50% of service rendered by the petitioners before regularization for the purpose of terminal benefits.

3. The petitioners were appointed as Sanitary Worker in the 3rd respondent's College, on 11.04.1991 and 13.08.1993 respectively. Though, their services were regularized w.e.f. 30.03.2006, the pay and allowance and other increments were not paid to them. In this regard, the petitioners made several representations. Last of such representations were made by the petitioners on 26.05.2016 and 24.05.2016 seeking to pay the increment and other service benefits including the terminal benefits. But, till date there was no response. Hence, the petitioners have filed these present Writ Petitions seeking the relief stated supra.

4. Mr.M.Elango, the learned counsel for the petitioners, would submit that the petitioners would be satisfied, if the respondents are directed to consider and dispose of the representations of the petitioners, 26.05.2016 and 24.05.2016 respectively, in the light of the order passed by this Court in W.P.No.22702 of 2015, which was filed by a co-worker, wherein, this Court, by order dated 31.07.2015, has directed the respondents to count 50% of service rendered before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rule.

5. Mrs.M.E.Raniselvam, the learned Additional Government Pleader, who took notice on behalf of the respondents, has got no serious objection in directing the respondents to consider the representation of the petitioners and to pass appropriate orders, on merits and in accordance with law.

6. Considering the fact that the petitioners have restricted the relief sought for in the Writ Petitions, this Court, without going into the merits of the claim made by the petitioners, directs the respondents to consider the representations of the petitioners, dated 26.05.2016 and 24.05.2016 respectively, and pass appropriate orders, on merits and in the light of the order passed by this Court in W.P.No.22702 of 2015, dated 31.07.2015, 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 petitioners.

7. These Writ Petitions are disposed of accordingly. There shall be no order as to costs.
paa

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary
Higher Education (2) Department
Secretariat Chennai-600 009.
- 2.The Commissioner of Technical Education
Directorate of Technical Education (Engineering)
Guindy Chennai-600 025.
- 3.The Principal
Government Engineering College
Salem-11.
- 4.The Principal
Thanthai Periyar Government Engineering College
Vellore-2.
- 5.The Principal
Thanthai Periyar E.V.Ramsamy Polytechnic College
Vellore-2.

+ 2 ccs to M/s.M.Elango, Advocate SR 44818 , 44187

+ 1 cc to Govt.Pleader SR 44881

rk(co)
prk29/8

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