

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36855 of 2016

1. A.Yuvaraj
 2. L.Sekar
 3. P.Panneer Selvam
- ... Petitioners

vs.

1. The Government of Tamil Nadu
rep. by the Secretary to the Government,
Transport Department, Fort St. George,
Chennai-9.
 2. The Government of Tamilnadu
rep. by the Secretary to the Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai-9.
 3. The Director,
Tamil Nadu Motor Vehicles Maintenance
Department, Ashok Nagar, Chennai-83.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to grant them 5% Personal Pay w.e.f. 01.08.1992 in the light of the orders passed by the Division Bench of this Court in W.P.Nos.20156 and 13143 of 2000 dated 10.03.2006 and grant all consequential benefits to the petitioners including revision of pay and payment of arrears.

For Petitioners : Mr.P.Rajendran
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to grant them 5% Personal Pay w.e.f. 01.08.1992 in the light of the orders passed by a Division Bench of this Court in W.P.Nos.20156 and 13143 of 2000 dated 10.03.2006 and grant all consequential benefits to them including revision of pay and payment of arrears.

3. The case of the petitioners is that they are working as Machinist Grade-I, Hammerman and Electrician Grade-I respectively in the Tamil Nadu Motor Vehicles Maintenance Department. While so, the Government of Tamil Nadu issued orders in G.O.Ms.No.664, Finance (PC) Department, dated 24.08.1992, directing grant of personal pay at 5% of the basic pay to four categories of staff stated therein w.e.f. 01.08.1992. The petitioners pre-revised scale of pay was Rs.555-970 and it moved over to the revised scale of pay Rs.950-1500. Since the same did not find place among the 4 categories mentioned in the said Government Order, they have been denied 5% personal pay. The denial of 5% Personal Pay on the said ground has been held to be illegal by a Division Bench of this Court in W.P.No.20156 and 13143 of 2000 dated 10.03.2006. Hence, the petitioners sent a representation dated 'Nil' to the 1st respondent. But, neither they have received any reply so far, nor personal pay has been granted to them. Hence, the present Writ Petition.

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

5. Considering the facts and circumstance of the matter, without expressing any opinion with regard to the merits of the claim made by the petitioners, this Court directs the petitioners to give a fresh representation along with a copy of this Order to the respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents shall consider the same and pass orders on merits and in accordance with law and also in the light of the orders passed by the Division Bench of this Court in W.P.Nos.20156 and 13143 of 2000 dated 10.03.2006, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the merits of the claim made by the petitioners. It is open for the respondents to decide the same on merits.

6. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to the Government,
Government of Tamil Nadu,
Transport Department, Fort St. George,
Chennai-9.
2. The Secretary to the Government,
Government of Tamilnadu,
Finance (Pay Cell) Department,
Fort St. George, Chennai-9.
3. The Director,
Tamil Nadu Motor Vehicles Maintenance
Department, Ashok Nagar, Chennai-3.

1 cc to Government Pleader, Sr. 60572
1 cc to Mr.P. Rajendran, advocate, Sr. 60257

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