

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08/11/2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38835 of 2016

P.Aravazhi Amalan

... Petitioner

vs.

1.Government of Tamil Nadu
rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-9.

2.The Director of Adi Dravidar and Tribal
Welfare, Chepauk, Chennai-5.

3. The District Adi Dravidar and Tribal
Welfare Officer,
Thiruvaiyaru Taluk,
Thanjavur District.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Chennai-18.

.... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to give ratification for re-fixation of the pay of the petitioner at Rs.9,925/- instead of Rs.9,650/- as on 01.10.1996 on par with his junior Jaganathan as per the proposal submitted by the 3rd respondent on 17.05.2013 and 08.07.2014 within a period to be specified by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.R.Venkatesh,
1 to 3 Government Advocate

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to give ratification for re-fixation of the pay of the petitioner at Rs.9,925/-, instead of, Rs.9,650/- as on 01.10.1996 on par with his junior Jaganathan as per the proposal submitted by the 3rd respondent on 17.05.2013 and 08.07.2014 within a period to be specified by this Court.

3. The case of the petitioner is that he joined as Secondary Grade Assistant in the Adi Dravidar and Tribal Welfare Middle School on 01.09.1961 in Keelpunavasal and subsequently, promoted as Middle School Headmaster on 01.10.1970. Thereafter, he was reverted as Headmaster of Elementary School in the year 1973. On 07.11.1974, he was further promoted as B.T. Assistant and he reached the age of superannuation on 30.04.1998.

4. It is the further case of the petitioner that one Mr.S.Jaganathan was appointed as Secondary Grade Assistant on 17.08.1960, promoted as Middle School Headmaster on 29.07.1961 and further promoted as B.T. Assistant on 01.12.1983 whereas the petitioner joined the promoted post of B.T. Assistant on 07.11.1974 itself. In fact, in the seniority list drawn for promotion to the post of B.T. Assistant, his name was included in Sl.No.6 whereas the name of Mr.Jaganathan was included in Sl.No.10 and from 01.06.1988 till 01.10.1995 both were drawing the same scale of pay i.e. Rs.2200-75-280-100-4000. On and from 01.10.1996, the petitioner's scale of pay was slightly increased to Rs.3,300/- and his junior Jaganathan was getting Rs.3,200/-. However, difference arose during the implementation of the VI Pay Commission in which the scale of pay for both was fixed as Rs.9,630/- as on 01.06.1996. However, all of a sudden, on 01.10.1996, his junior's pay was increased by reason of giving one increment at Rs.295/-. In other words, the scale of pay of the petitioner's junior was fixed at Rs.9,925/- whereas the petitioner's scale of pay stood only at Rs.9,650/-.

5. In this regard, the petitioner submitted a representation to the 3rd respondent seeking to step up his pay on par with his junior and the same was forwarded to the 4th respondent by proceedings dated 16.11.2009. By a letter dated 16.02.2009, the 4th respondent has returned the proposal by stating that as per the Government Letter dated 30.12.1999, powers have been delegated to the heads of the respective

Department under F.R.27(2) for resolving certain pay anomalies among the employees, including stepping up of the pay. Thereafter, the petitioner sent representations to the 2nd respondent on several occasions requesting to get appropriate ratification from the Government so as to enable him to get his pay stepped up at Rs.9,925/- instead of drawl of present scale of pay at Rs.9,650/- on par with his junior Jaganathan. A copy of the representation has also been sent to the 3rd respondent. Ultimately, on 17.05.2013, the 3rd respondent has sent a proposal to the Government followed by a reminder proposal on 08.07.2014. But these proposals were not considered by the Government/1st respondent by passing orders thereof.

6. Finally, the petitioner sent a representation dated 10.06.2016 to the Government seeking to give necessary ratification for drawl of the pay on par with his junior by stepping up his pay in the light of the proposals dated 17.05.2013 and 08.07.2014 sent by the 3rd respondent. But, there was no response. Hence, the petitioner is before this Court with this Writ Petition.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents 1 to 3.

8. Though this Court is not inclined to grant a positive direction as prayed for by the petitioner, considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 10.06.2016 and pass appropriate orders on the same on merits and in accordance with law to issue necessary ratification for drawl of the pay on par with his junior by stepping up his pay in the light of the proposals dated 17.05.2013 and 08.07.2014 sent by the 3rd respondent, within a period of six weeks from the date of receipt of a copy of this Order.

9. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-9.

2. The Director of Adi Dravidar and Tribal
Welfare, Chepauk, Chennai-5.

3. The District Adi Dravidar and Tribal
Welfare Officer,
Thiruvaiyaru Taluk,
Thanjavur District.

4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Chennai-18.

+1cc to Mr.S.Mani, Advocate Sr.63838

+1cc to the Government Pleader Sr.64358

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srg 10/12/2016

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सत्यमेव जयते

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