

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39089 of 2016

K.Pandarinathan

.. Petitioner

Vs

1 The Principal Secretary to the
Government Higher Education Department
Secretariat Fort St. George Chennai 9

2 The Director of Technical
Education Sardar Patel Road Guindy
Chennai 25

3 The Principal
Valivalam Desikar Polytechnic Nagapattinam

... 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 pass orders by fixing the senior and selection grade of the petitioner's pay calculating the service from the date of joining/regularization i.e. 21.11.1984 based upon representations dated 6.12.2014 and 19.12.2014.

For Petitioner : Mr.K.Balasubramanian
For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader.

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 pass orders by fixing the senior and selection grade of his pay

calculating the service from the date of joining/regularization i.e. on 21.11.1984 based upon representations dated 6.12.2014 and 19.12.2014.

3. It is the case of the petitioner that on 21.11.1984, he was appointed as Librarian in the third respondent institution, which is a Government Aided Institution, as per G.O.Ms.No.1675, Education Department, dated 26.8.1980 in the scale of of Rs.500-20-700-25-900. At the time of appointment, the minimum qualification was a basic degree / Master degree with degree in Library Science and there was no mention about the First and Higher Second Class in degree / Masters degree. Subsequently, as per G.O.392, Education dated 16.4.1985, First and Higher Second Class in degree / Master degree was required as qualification for Librarian. As per G.O.Ms.No.1514 dated 23.10.1989, the Government directs that the scale of pay of the Physical Directors and Librarians in Polytechnics including Special Diploma Institutions, under the control of Director of Technical Education be revised from 700-40-1100-50-1300 to 700-40-1100-50-1300 EB -50-1600 with effect from 1.4.1980 notionally and monetary benefit from 1.6.1988. Further, as per the letter of the second respondent dated 5.4.1991, the pay of the petitioner has to be fixed from the date of joining in service. The petitioner joined on 21.11.1984, and his pay was fixed in the scale of pay of 700-1300 without any annual increment. Hence, he approached the Lok Adalat by filing a petition in case No.55445/B/2003. However, without considering his length of service from the date of joining, the petitioner has been placed with the scale of pay of senior grade Librarian with effect from 21.11.1997 instead of 21.11.1994, which is against the proceedings of the second respondent dated 5.4.1991. But, the Presiding Officer of the Lok Adalat advised him to receive the benefits without prejudice his rights. After receiving the benefits of pay fixation and pensionary benefits, the petitioner submitted representations dated 6.12.2014 and 19.12.2014 to the second respondent seeking re-fixation of his scale of pay. 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, 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, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order 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 said representation seeking fixation of senior and selection grade of his pay calculating the service from the date of joining/regularization i.e. on 21.11.1984 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Principal Secretary to the
Government Higher Education Department
Secretariat Fort St. George Chennai 9
- 2 The Director of Technical
Education Sardar Patel Road Guindy
Chennai 25
- 3 The Principal
Valivalam Desikar Polytechnic Nagapattinam

+lcc to Mr.K. balasubramanian, Advocate, S.R.No.64015
+lcc to the Government Pleader, S.R.No.64971

NR(CO)
md(23/11/2016)

W.P.No.39089 of 2016

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