

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39181 of 2016

R.Thangamuthu

... Petitioner

vs.

- 1 The Chief Engineer
Highways NABARD & Rural Roads Highways
Office Buildings HRs Campus Sardar Patel
Road Chennai-600 025.
- 2 The Superintendent Engineer
Highways NABARD & Rural Roads Salem.
- 3 The Divisional Engineer
Highways NABARD & Rural Roads Coimbatore-
641 018.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider and pass orders on the representation made by the petitioner herein on 8.7.2016 which was duly acknowledged by the respondents herein.

For Petitioner : Mr.V.Balaji
For Respondents : Mr.S.N.Parthasarathy,
Govt. Advocate

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 first respondent to consider and pass orders on his representation dated 8.7.2016.

3. It is the case of the petitioner that he was appointed as Assistant Engineer in Highways Engineering Service by transfer of service and his service was duly regularized in consultation with the Tamil Nadu Public Service Commission. Subsequently, he was promoted as Assistant Divisional Engineer on 28.6.2006 and retired from service as such on 30.4.2013. While so, he came to know that one E.Rathinasamy, now working as Assistant Divisional Engineer (H) Construction and Maintenance, Gobichettipalayam, who is far junior to him, is drawing more pay than the petitioner. In G.O.Ms.No.234 Finance (Pay Cell) Department dated 1.6.2009, detailed guidelines have been given as to the rectification of anomaly of junior getting more pay than senior. Therefore, he sent a representation to the first respondent on 8.7.2016 to re-fix his salary on par with the said E.Rathinasamy, as per G.O.Ms.No.234 Finance (Pay Cell) Department dated 1.6.2009. 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 Government Advocate, 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 first respondent to consider the representation of the petitioner dated 8.7.2016 seeking re-fixation of his salary on par with one E.Rathinasamy, now working as Assistant Divisional Engineer (H) Construction and Maintenance, Gobichettipalayam and pass appropriate orders, on merits and in accordance with law and also as per G.O.Ms.No.234 Finance (Pay Cell) Department dated 1.6.2009, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

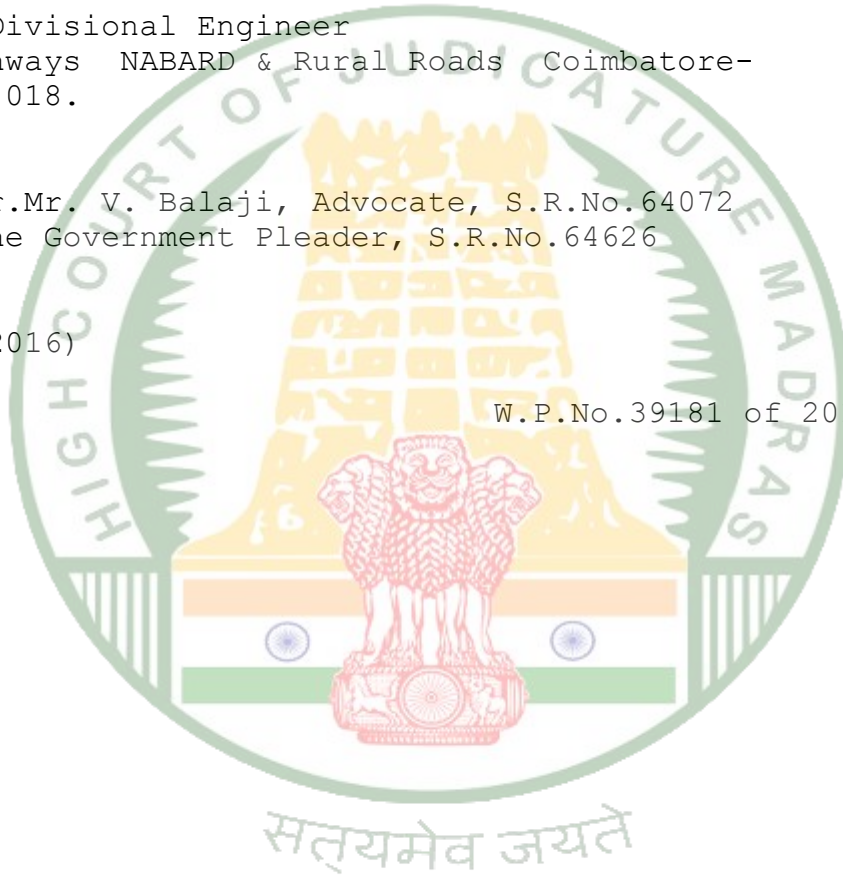
To

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641 018.

+lcc to Mr.Mr. V. Balaji, Advocate, S.R.No.64072
+lcc to the Government Pleader, S.R.No.64626

ev(CO)
md(29/11/2016)

W.P.No.39181 of 2016



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