

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39581 of 2016

and W.M.P.No.33873 of 2016

1 T.Ponni
2 K.Sarasu
3 J.Kaviarasan
4 R.Sulochana
5 J.Kokila ... Petitioners

vs.

1 Government of Tamilnadu
Rep. by Principal Secretary to Government
Finance (Pay Cell) Department Secretariat
Chennai 600 009.
2 The Secretary to Government
(Expenditure) Finance (CMPC) Department
Secretariat Chennai 600 009.
3 The Director
Rural Development and Panchayat Raj
Department Panagal Building Saidapet
Chennai 15.
4 The District Collector
Villupuram District Villupuram. .. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records relating to orders in (1) G.O.Ms. No.241 Finance (Pay Cell) Department dated 22.07.2013 of the first respondent to the limited extent of giving retrospective effect to the said order from 01.04.2013 and (2) Government Letter No. 2112/ CMPC/ 2015-1 Finance (CMPC) Department dated 05.03.2015 to the limited extent of direction in para 3 thereof for refixation of pay of Junior Assistant / Typists with degree qualification w.e.f. 23.07.2013 and to recover the excess pay and all other consequential issued by the second respondent and to quash the same and to direct the

Respondents to desist from reducing and refixing the pay of the Petitioners and from effecting any recovery from their pay and refund any amount recovered from the petitioners and grant them periodical annual increments for all the years without any default.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. 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, challenging the orders in (1) G.O.Ms.No.241 Finance (Pay Cell) Department dated 22.7.2013 of the first respondent to the limited extent of giving retrospective effect to the said order from 1.4.2013 and (2) Government Letter No. 2112/ CMPC/ 2015-1 Finance (CMPC) Department dated 5.3.2015 to the limited extent of direction in para 3 thereof for refixation of pay of Junior Assistant / Typists with degree qualification w.e.f. 23.07.2013 and to recover the excess pay and all other consequential issued by the second respondent and consequently, to direct the respondents to desist from reducing and refixing their pay and from effecting any recovery from their pay and refund any amount recovered from them and grant them periodical annual increments for all the years without any default.

3. Though very many contentions have been made in the affidavit filed in support of the writ petition, at the time of arguments, the learned counsel appearing for the petitioners submitted that similarly placed persons like that of the petitioners approached this Court by filing writ petitions in W.P.Nos.22145 to 22152 of 2016 and 22112 of 2016 and immediately thereafter, the first respondent herein vide letter in No.38250/Pay cell/2016-I Finance (Pay Cell) Department dated 1.8.2016, allowed their claim and directed the authorities to allow them to draw higher start of pay already granted and not to recover the amount already paid and to refund the amount already recovered. Since the petitioners are also similar placed persons, they are prepared to give a representation to the respondents and it would be suffice, if a direction is given to the respondents to consider their representation in the light of the letter in No.38250/Pay cell / 2016-I Finance (Pay Cell) Department dated 1.8.2016.

4. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Though the petitioners prayed for a larger relief, in view of the said submission made by the learned counsel appearing for the petitioners, without going into the merits of the claim projected by the petitioners, this Court directs the petitioners to send a fresh / individual representation along with a copy of this order to the first 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 first respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law and also in the light of the Government Letter vide No.38250/Pay cell / 2016-I Finance (Pay Cell) Department dated 1.8.2016, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sbi

To

- 1 The Principal Secretary to Government
Government of Tamilnadu
Finance (Pay Cell) Department Secretariat
Chennai 600 009.
- 2 The Secretary to Government
(Expenditure) Finance (CMPC) Department
Secretariat Chennai 600 009.
- 3 The Director
Rural Development and Panchayat Raj
Department Panagal Building Saidapet
Chennai 15.

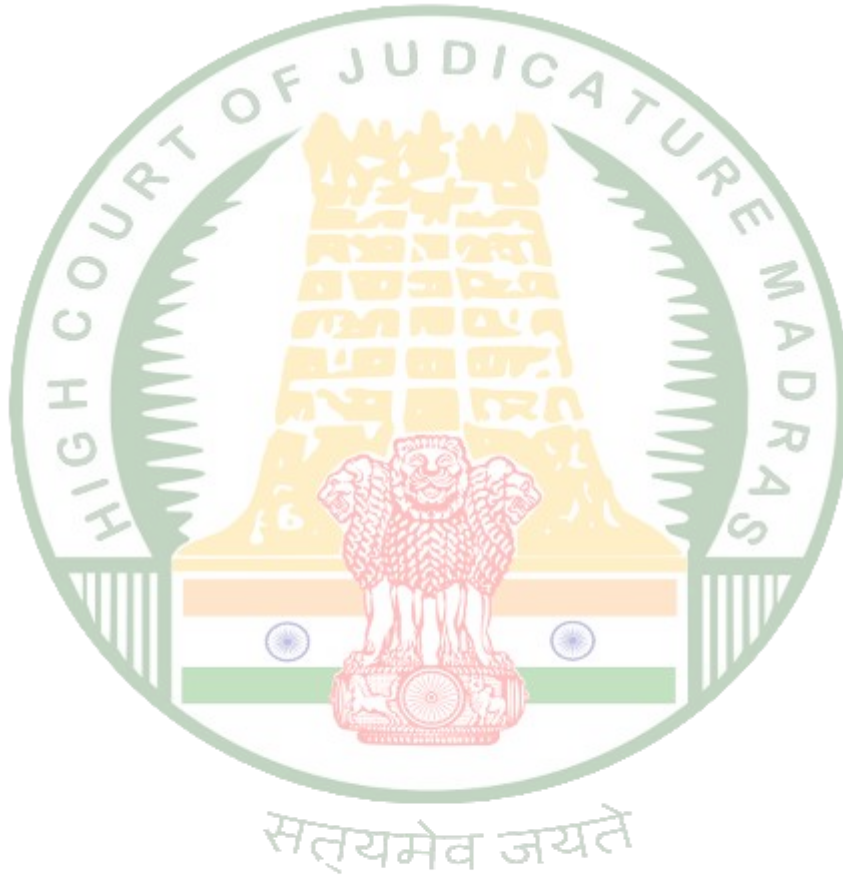
4 The District Collector
Villupuram District Villupuram.

1 cc to Government Pleader, Sr. 65287

5 ccs to M/s.M. Ravi, Advocate, Sr. 65053

W.P.No.39581 of 2016

PPA (CO)
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