

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.40076 of 2016

K.Mariappan

... Petitioner

vs.

- 1 The Director
Tamil Nadu State Health Transport Department
Guindy Chennai-32.
- 2 The Workshop Superintendent
Regional Workshop (H) Tamil Nadu State
Health Transport Department Salem-636 007.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents herein to grant the revised Selection Grade Scale of Pay of Rs.9300-34800+Grade Pay Rs.4200 in the Post of Skilled Assistant Gr.I to the petitioner with effect from the date of his completion of 10 years of service in the light of the petitioner's representation dated 2.2.2016 and to grant all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.Venkatesh,
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 respondents to grant the revised Selection Grade Scale of Pay of Rs.9300-34800+Grade Pay Rs.4200 in the Post of Skilled Assistant Gr.I with effect

from the date of his completion of 10 years of service in the light of his representation dated 2.2.2016 and to grant all consequential benefits.

3. It is the case of the petitioner that he was initially appointed as Helper on 10.4.1989 and later, promoted as Fitter Grade-I in the Regional Workshop of the Department of Tamil Nadu State Health Transport Department at Salem. The Government of Tamil Nadu in Letter No.63305/PC/2010-I Finance (PC) Department, dated 9.11.2010 has revised selection and special grade scales of pay with notional effect from 1.1.2006 and monetary benefits with effect from 1.1.2007 and as a selection grade Skilled Assistant Grade-I, the petitioner is entitled to the selection grade scale of pay of Rs.9300-34800+Grade Pay 4200. However, the petitioner was fixed grade pay of Rs.2600/- only. In this regard, he sent a representation dated 2.2.2016 to the respondents. 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. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that one R.Venkateswaran and K.Abimannan, similarly placed employees, have been granted special grade scale of pay vide proceedings in Government Letter No.63305/PC/2010-2, Finance (PC) Department, dated 8.11.2010 and Pro.Mu.Mu.No.3089.NI.3/2014 dated 18.5.2015. In this regard, the petitioner is prepared to give a fresh representation to the first respondent and it would suffice, if a direction is given to the first respondent to consider his representation in the light of the Government Letter No.63305/PC/2010-2, Finance (PC) Department, dated 8.11.2010 and the proceeding vide Pro.Mu.Mu. No.3089.NI.3/2014 dated 18.5.2015.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. In view of the said submission made by the learned counsel appearing for the petitioner, 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 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 in No.63305/PC/ 2010-2, Finance (PC) Department, dated 8.11.2010 and the proceedings vide Pro.Mu.Mu.No.3089.NI.3/2014 dated 18.5.2015, within a period of

six weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

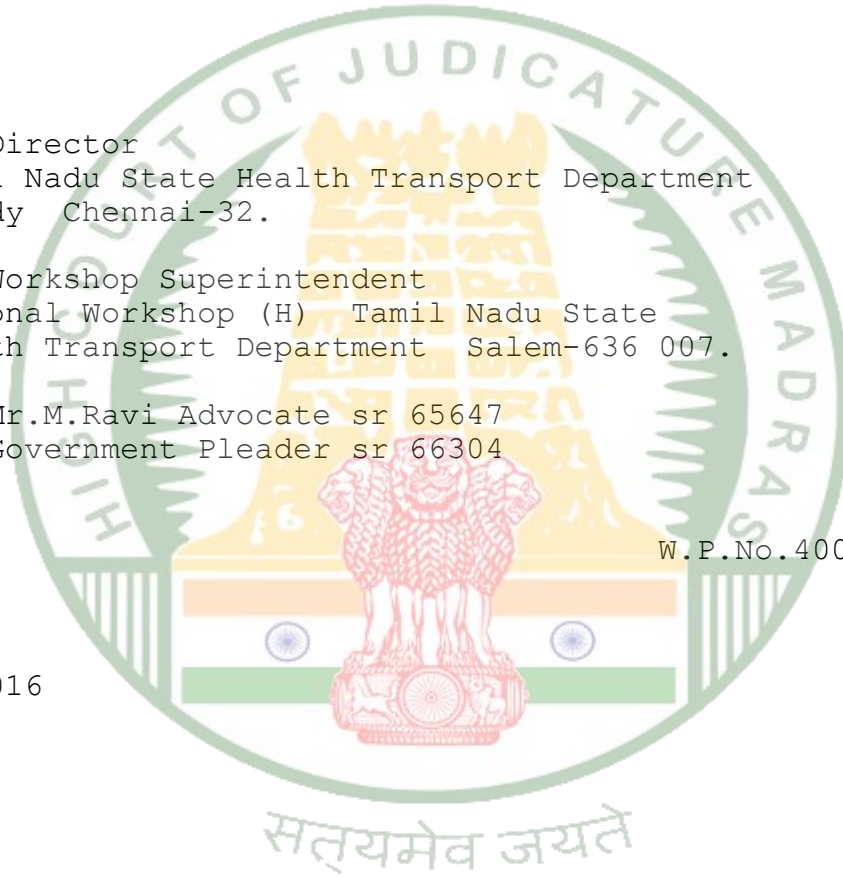
To

- 1 The Director
Tamil Nadu State Health Transport Department
Guindy Chennai-32.
- 2 The Workshop Superintendent
Regional Workshop (H) Tamil Nadu State
Health Transport Department Salem-636 007.

+1 cc to Mr.M.Ravi Advocate sr 65647
+1 cc to Government Pleader sr 66304

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