

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.41246 OF 2016

G.Sivaraj

.. Petitioner

-Vs.-

The Inspector General of Registration,
Registration Department,
120, Santhome High Road,
Chennai-28.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 29.09.2016 made by the petitioner seeking arrears of pay.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.S.N.Parthasarathi,
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 respondent to consider and pass orders on the representation dated 29.09.2016 made by the petitioner seeking arrears of pay.

3. According to the petitioner, the petitioner was appointed as Junior Assistant in the respondent Department through TNPSC by order dated 10.07.1997. He has obtained Provisional Community Certificate pursuant to the order of this Court in W.P.No.16390/1995 dated 25.01.1996. He continued in the said post without any increment or seniority for the next higher post.

4. While so, a Division Bench of this Court in W.P.No.16751/2009 by order dated 29.01.2010 directed the petitioner to issue Permanent Community Certificate with a liberty to seek promotion. On 22.03.2010, the Revenue Divisional Officer issued Community Certificate to the petitioner. Stating all the above facts, the petitioner on 05.04.2010 sought regularization and fixation of seniority.

5. In this regard, the petitioner filed W.P.No.26893/2010 before this Court to direct the respondent to regularise his service and fix his seniority and to accord due promotion and to give arrears of pay. By order dated 07.02.2012, this Court directed the respondent to consider the claim of the petitioner. Thereafter, in compliance of the same, the respondent fixed the seniority of the petitioner in the post of Junior Assistant from 01.01.1997 and in the post of Assistant in the panel list 2001-2002 and in the post of Sub-Registrar Grade II in 2009 seniority list by order dated 12.12.2012. Subsequently, he was promoted as Sub-Registrar Grade I on 24.07.2013.

6. Since the order of this Court made in W.P.No.26893/2010 was not fully complied with, the petitioner filed Contempt Petition No.1291/12 and the same came to be closed since the respondent informed to this Court that a Government Order dated 10.12.2012 has been issued regularising the service and fixing seniority of the petitioner. Thereafter, vide proceedings dated 16.06.2013 and 01.03.2013, the respondent has fixed his pay and paid the increment from 1999 onwards.

7. But the grievance of the petitioner is that arrears of pay for the post of Assistant from 03.05.2002 to 13.11.2009 and in Sub-Registrar Grade II Post from 14.11.2009 to 20.12.2012 has not been paid to him. In this regard, the petitioner made a representation dated 29.09.2016 to the respondent. But, the same was not considered. Hence, the present Writ Petition.

8. Heard the learned Counsel for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondent.

9. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to forward a copy of the representation dated 29.09.2016 along with a copy of this Order to the 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 respondent shall consider and pass orders on the same on merits and in accordance with law, within a period of four weeks thereafter.

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

24.11.2016

tsi

Index : Yes/No

Internet:Yes/No

To

The Inspector General of Registration,
Registration Department,
120, Santhome High Road,
Chennai-28.

R.SUBBIAH, J.
tsi

W.P.No.41246 of 2016

24.11.2016