

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42031 of 2016

N.M.Gopalan

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600 009.

2. The Engineer in Chief-cum-
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the first respondent to pass order on the proposal sent by the second respondent dated 19.06.2007 and consequently direct the respondents to refix the salary and pay arrears of salary and also to refix the pension to the petitioner.

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.R.Venkatesh,
Government 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 pass orders on the proposal sent by the second respondent dated 19.06.2007 and consequently direct the respondents to refix his salary and pay arrears of salary and also to refix the pension.

3. The petitioner was initially appointed as Work Inspector-cum-Surveyor in the Public Works Department on 16.08.1972 and he retired from service on 31.05.2006.

4. According to the petitioner, from the date of his

appointment, there is no promotion in the said post and in the said department. At the time of his appointment in the said post, his basic pay was fixed at Rs.200/- only. But, in the very same post, those, who worked in the Survey Department, were appointed and their basic pay was fixed at Rs.210/-. In this regard, the petitioner and others requested the concerned officers to re-fix the pay on par with the Surveyors, who are working in the Survey Department, as the nature of work in both departments is one and the same. Thereafter, the first respondent issued G.O.Ms.No.616 dated 22.06.1994, wherein, adhoc rules were issued for regularizing the service of the Surveyors in the Public Works Department. Based on the said G.O., the Surveyors were regularized from the date of their appointments. On 05.03.2007, the Executive Engineer, Trichy Division, sent a letter to the Superintendent Engineer in the Public Works Department, requesting him to rectify the fixation of pay of the Surveyors in the Public Works Department, as per G.O.Ms.No.616, dated 22.06.1994 and got a ratification order from the Government for fixation of pay in the post of Surveyor. The second respondent, by letter dated 19.06.2006, sent a proposal to the first respondent and requested him to forward the proposal for refixation of pay of Surveyors, who are working in the Public Works Department.

5. Now it is the grievance of the petitioner that he sent a representation dated 05.07.2011 to the Executive Engineer, requesting him to refix the pay and special grade based on the proposal sent by the second respondent. But, the same is still pending consideration. Hence, the present writ petition has been filed seeking a direction to the first respondent to pass order on the proposal sent by the second respondent dated 19.06.2007 and consequential direction to the respondents to refix his salary and pay arrears of salary and also to refix the pension.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, the petitioner is directed to give 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 representation of the petitioner and pass orders thereon, based on the proposal already sent by the second respondent dated 19.06.2007 and on merits and in accordance with law, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner. The writ petition is disposed of

accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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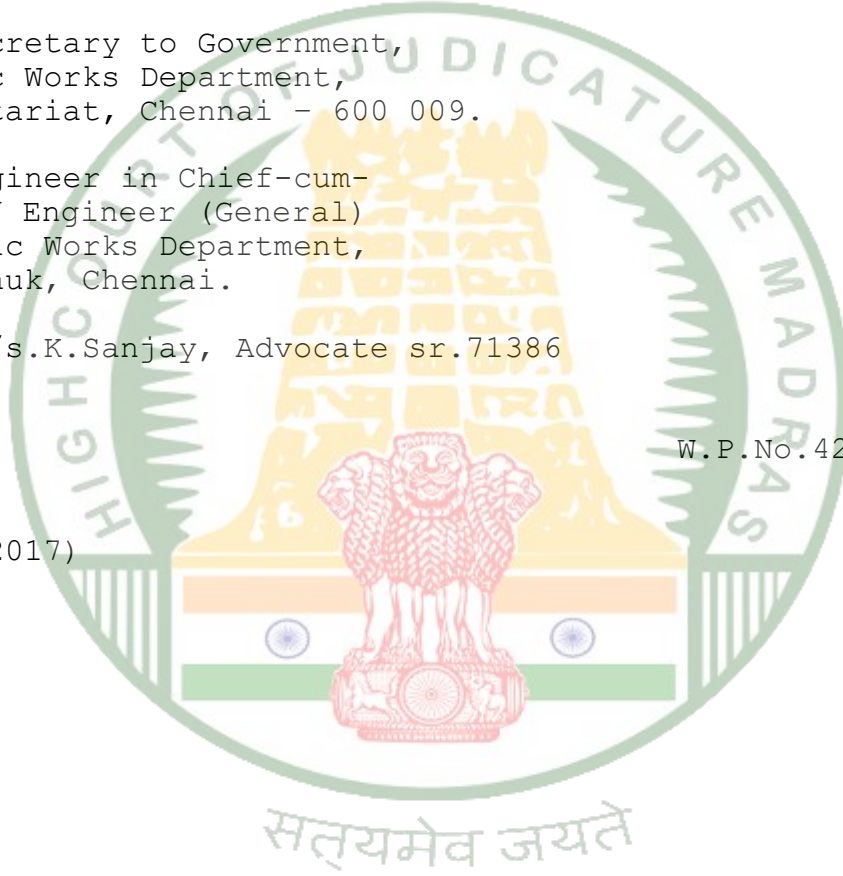
To

1. The Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600 009.
2. The Engineer in Chief-cum-
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai.

+1cc to M/s.K.Sanjay, Advocate sr.71386

W.P.No.42031 of 2016

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ss(12/01/2017)



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