

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42448/2016

S.E.Mathaiyan

.. Petitioner

Vs.

1.The Secretary to Government
Government of Tamil Nadu
Municipal Administration & Water
Supply Department, Secretariat
Chennai 600 009.

2.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.

3.The Commissioner
Salem City Municipal Corporation
Salem.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the the 1st Respondent to consider the claim of the Petitioner afresh in the light of the Ratio laid down by this Honourable Court in the Judgment dated 18.09.2009 in W.P. No.39394/2005 and the Judgment dated 25.04.2012 in W.P. Nos.9619 to 9621/2012 and G.O.(D). No.165 Municipal Administration & Water Supply Department dated 08.04.2010 and G.O.Ms. No.192, Higher Education (G2) Department dated 21.11.2014 issued by way of implementation of the aforesaid Judgments of this Court and to pass appropriate orders for regular absorption of the

Petitioner as Skilled Assistant Grade I from the date of the petitioner joining duty in the post of Skilled Assistant Grade II and grant consequential service and monetary benefits, including promotion as Technical Assistant and on that basis, revise the pensionary benefits and disburse all consequential monetary benefits with interest on the delayed payment within a limited time frame.

For Petitioner	:	Mr.M.Ravi
For RR 1 to 2	:	Mr.K.Dhananjayan, Spl.GP
For R3	:	Mrs.K.Bhuvaneswari

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned counsel accepting notice on behalf of the 3rd respondent.

2 The petitioner claims to have passed SSLC and ITI Trade Test and was appointed as Cleaner in Water Purification Plant at Nangavalli on 08.06.1979 in the erstwhile Salem Municipality and got promotion as Filter Bed Operator with effect from 03.11.1988 and was awarded Selection Grade in the said post on 03.11.1998. The petitioner would further state that Salem Municipality has been upgraded as Salem Municipal Corporation on 01.06.1994 and the Service Rules were also framed in G.O.Ms.No.237, Municipal Administration and Water Supply

Department, dated 26.09.1996 with effect from 01.10.1996. The 3rd respondent issued orders dated 07.07.1999 in and by which, several post in the Engineering Wing of the Department were amalgamated and re-designated and the post of Filter Bed Operator was re-designated as Skilled Assistant Grade II with the consequential scale of pay with effect from 15.05.1998 and monetary benefits from 01.07.1999. The petitioner was promoted as Skilled Assistant Grade-I on 23.02.2001.

3 The petitioner would further aver that though he passed SSLC and ITI Trade Test, his pay was fixed at Rs.555-970 in stead of the scale of pay of Rs.610-1075 and according to him, one P.Dayalan, who was similarly placed like that of the petitioner, was given promotion and was absorbed as Technical Assistant in the scale of pay of Rs.4000-6000 with effect from 01.01.1996 notionally and monetary with monetary benefits from 01.09.1998, vide G.O.Ms.NO.173, Finance [Pay Cell] Department, dated 17.05.2007 and since the petitioner is similarly placed, he is entitled to the said relief and on an earlier occasion, he filed WP.No.33005/2015, praying for consideration and disposal of his representation with regard to absorption as Skilled Assistant Grade-I with effect from 03.11.1988 and as Technical Assistant with effect from 01.01.1996 along with consequential service and

monetary benefits. This Court, vide order dated 14.10.2015, has directed the 1st respondent therein to consider and dispose of the petitioner's representation in accordance with law within the stipulated time. The grievance expressed by the petitioner is that though this Court has passed the orders, viz., [1]the order dated 18.09.2009 made in WP.No.39394/2005 [*V.Ramasamy Vs. State of Tamil Nadu rep.by its Secretary to Government, Education Department, Fort St George, Chennai-9 and 2 others*] ; [2]the order dated 25.04.2012 made in WP.No.9619 to 9621/2012 [*Veeraraghavan and 2 others Vs. State of Tamil Nadu rep.by its Secretary to Government, Higher Education Department, Secretariat, Chennai-9 and 4 others*] granting similar relief to the similarly placed persons, the request made by the petitioner has not been considered and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The learned counsel for the petitioner would submit that despite the orders, the 3rd respondent has made a negative recommendation and therefore, the petitioner has submitted a detailed representation to the 1st respondent to take into consideration his plea also before acting on the proposal submitted by the 3rd respondent.

5 Mr.K.Dhananjayan, learned Special Government

Pleader appearing for the respondents would submit that based on the proposal sent by the 3rd respondent, appropriate orders will be passed.

6 This Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 1st respondent to act on the proposal of the 3rd respondent in Na.Ka.No.C3/32525/2015 dated 03.02.2016 and while doing so, shall also take into consideration, the representation of the petitioner dated 21.04.2016 and thereafter pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs.

20.12.2016

Index : No
Internet : Yes

AP

M.SATHYANARAYANAN, J.,

AP

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