

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6712 of 2016

R.Selvaraj

..

Petitioner

Vs

1. The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai 600 005.
2. The Additional Commissioner of Survey and Land Records,
Directorate of Survey and Settlement, Chepauk,
Chennai 600 005.
3. The Assistant Director of Survey and Land Records,
Coimbatore.
4. The Assistant Director of Survey and Land Records, Namakkal.
5. The Commissioner,
Corporation of Coimbatore.

(impleaded suo motu
by this Court as 5th respondent
by its order dated on 29.3.2016)

..

Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to initiate action against the officials responsible for the non-payment of pay and allowances to the petitioner from 1.7.2012 onwards till date annual increments etc., and to disburse to the petitioner within a limited time frame the pay and allowances due and payable to the petitioner from July 2012 onwards, annual increments etc with interest at 18% per annum for the delayed payment.

For Petitioner : Mr.M. Ravi

For Respondents : Mr.S. Gunasekaran
Addl. Govt. Pleader (R1 to R4)

ORDER

Heard Mr.M. Ravi, learned counsel appearing for petitioner and MrS.Gunasekaran, learned Additional Government Pleader appearing for respondents 1 to 4.

2. Mr.R.Selvaraj, the petitioner who is serving presently as a Sub Inspector of Survey has made a representation on 10.11.2015 to the 1st respondent followed by reminder dated 15.2.2016 requesting to initiate action against the officials responsible for not making the payment of allowance to the petitioner from 1.7.2012 to till date. Finding no response, he has come to this Court.

3. The crux of the grievance of the petitioner is after extracting work from the petitioner, the respondents 1 and 2 have not come forward to pay his salary from 1.7.2012. It appears that he has not been paid with the pay and allowance for the following periods in spite of representations.

01.07.2012 to 05.07.2012		On deputation with Coimbatore City Municipal Corporation (with arrears of HRA & CCA)
06.07.2012 30.09.2012	TO	On deputation with coimbatore City Municipal Corporation (with arrears of HRA & CCA.
01.10.2012 09.07.2013	to	Apart from pay increment due on 01.10.2012. pongal Ex gratia payment for the year 2013
10.07.2013 14.01.2015	to	Apart from pay, increment due on 01.10.2013, 01.10.2014 pongal Ex gratia payment for the years 2014 and 2015.
15.01.2015 onwards		Apart from pay, increment due on 01.10.2015.

4. As the pay and allowance for the aforementioned was not paid to him for no reason, the petitioner has been exposed to hardship and mental agony. Even after finding no response for his representation dated 10.11.2015, he has come to this Court.

5. After taking notice, learned Additional Government Pleader appearing for the respondents 1 to 4 placed on record a

communication dated 1.3.2016 made in Na.Ka.A4/655/2016 from the 4th respondent viz., the Assistant Director of Survey and Land Records, Namakkal to him and submitted that the Last Pay Certificate for the months 7/12, 8/12, 9/12 and from 2/13 to 9.7.2013 has not been issued by the Corporation of Coimbatore. As a result, the respondents 1 and 2 are not able to answer the petitioner's representation and reminders. Thus, for the non payment of the petitioner's pay and allowance for a longer period from 1.7.2012 to 15.1.2015, no good reason can be assigned by the respondents 1 to 4.

6. Be that as it may, since the blame has been put against the Corporation of Coimbatore stating that they have not issued the Last Pay Certificate and only issued an incomplete Last Pay Certificate of the petitioner, though they are not a party to this Writ Petition, this Court, considering the plight of the petitioner, hereby suo mottu impleads the Commissioner, Corporation of Coimbatore as a party to this Writ Petition as 5th respondent.

7. Accordingly, the 5th respondent viz., the Commissioner, Corporation of Coimbatore is hereby directed to issue the Last Payment Certificate of the petitioner in respect of the months viz., 7/12, 8/12, 9/12 and from 2/13 to 9.7.2013 forthwith, within a period of one week from the date of receipt of a copy of this order to the 4th respondent viz., the Assistant Director of Survey and Land Records, Namakkal and on receipt of such certificate, the 4th respondent is directed to take appropriate action to disburse the petitioner's pay and allowance for the above mentioned period within a period of two weeks thereafter.

8. It is needless to mention that the 1st respondent on considering the grievance of the petitioner that he was not disbursed with his pay and allowance for a longer period from 1.7.2012 to till date, has to initiate appropriate action against the person who is responsible for such lapse.

9. With the above direction, this Writ Petition is disposed of. No costs.

msr

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai 600 005.

2. The Additional Commissioner of Survey and Land Records,
Directorate of Survey and Settlement, Chepauk,
Chennai 600 005.

3. The Assistant Director of Survey and Land Records,
Coimbatore.

4. The Assistant Director of Survey and Land Records, Namakkal.

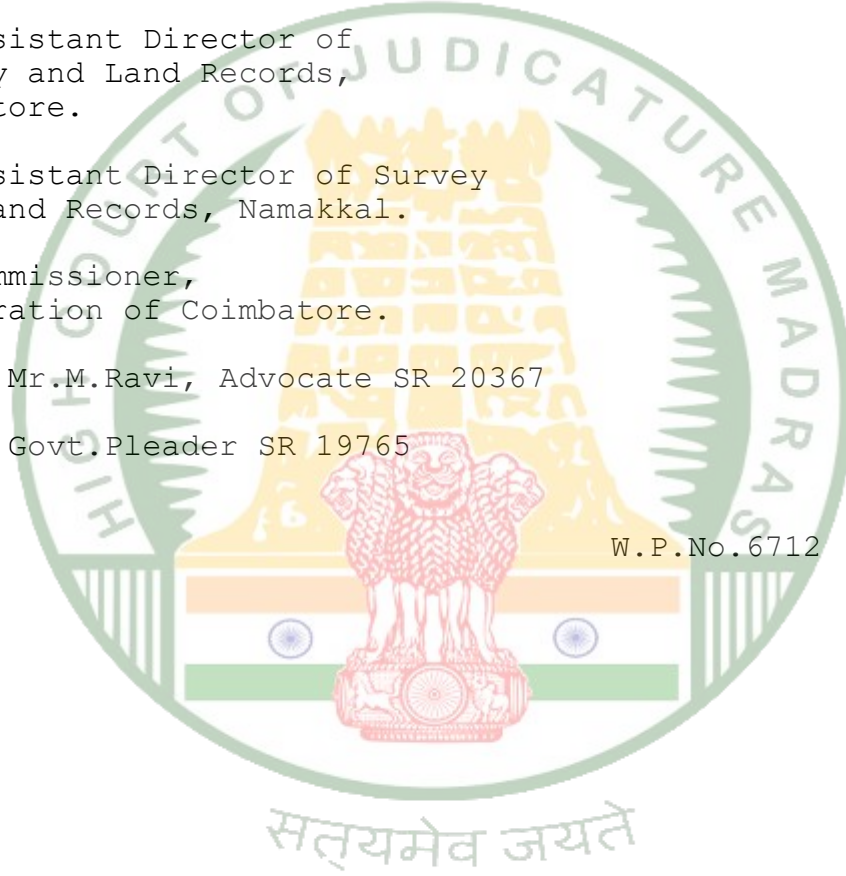
5. The Commissioner,
Corporation of Coimbatore.

+ 1 cc to Mr.M.Ravi, Advocate SR 20367

+ 1 cc to Govt.Pleader SR 19765

mp1(co)
prk2/6

W.P.No.6712 of 2016



WEB COPY