



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD) .No.176 of 2014

and

M.P. (MD) .No.1 of 2014

1.The Secretary to Government,
Finance (Paycell) Department,
Fort St. George,
Chennai - 600 009.

2.The Superintending Engineer,
Highways Department,
Tirunelveli Circle,
Tirunelveli.

3.The Divisional Engineer,
Highways Department,
Tenkasi Division,
(Old Tirunelveli Division),
Tirunelveli District.

... Appellants/Respondents

Vs.

S.Kandasamy

.. Respondent /Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 23.03.2011 made in W.P.(MD).No.10445 of 2010 on the file of this Court.

Prayer in WP(MD). 10445/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents to implement the selection grade and special grade scale of pay as indicated in Schedule -II of the Tamil nadu Revised Scales of pay Rules 1998 notified in G.O.M.S.No. 162 Finance (pay cell) Department dated 13.4.98 at Rs. 5000/- and Rs. 5500/- respectively to the petitioner Driver from 01.01.1996 and pay all arrears within a stipulated time period.



For Appellants

: Mr.A.K.Baskara Pandian,
Special Government Pleader

For Respondent

: Mr.K.P.Narayanakumar

JUDGMENT

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[Judgment of the Court was made by **The Hon'ble The Chief Justice**]

On hearing the learned counsel for the parties, it cannot be seriously disputed that the case of the appellants is covered in its favour in view of the judgment of this Court in *The Director of Sericulture Department, Salem v. K.Kumar, 2015 (4) CTC 241*. The logical consequence, thus, is that the impugned order has to be set aside.

2. We put to learned counsel for the parties that since the aforesaid judgment is being tested before the Hon'ble Supreme Court, there may be no purpose in multiplying litigation and the view taken by the Supreme Court can be made applicable to the present case.

3. The aforesaid course of action is acceptable to both the learned counsel for the parties.

4. This appeal is disposed of in the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)**/True Copy/****Sub Assistant Registrar**

gcg/gb

To,

1.The Secretary to Government, Finance (Paycell) Department,
Fort St. George, Chennai - 600 009.2.The Superintending Engineer, Highways Department,
Tirunelveli Circle, Tirunelveli.3.The Divisional Engineer, Highways Department,
Tenkasi Division, (Old Tirunelveli Division),
Tirunelveli District.

+1CC to Spl.Government Pleader Sr.No.59384

GJM/SS3/24.10.16-2p-5C