



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.19048 of 2016

K.Sathasivam

.. Petitioner

Vs.

1.The Director of Collegiate Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

3.Rajapalayam Rajus' College,
Rep. By its Secretary,
Rajapalalyam - 626 117,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order passed by the 2nd respondent in A.Thi.Mu.No.8507/U4/16 dated 26.09.2016 quash the same and direct the respondents 1 and 2 to award special grade to the petitioner on 01.04.2008 in the post of Assistant and fix the pay scale of Superintendent with effect from 02.04.2008 and award all attendant monetary benefits.

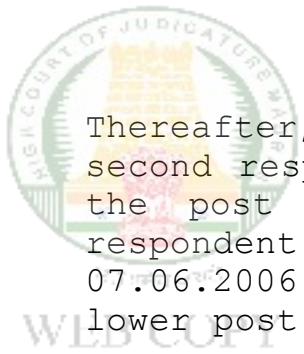
For Petitioner	:	Mr.R.Subramanian
For Respondents	:	Mr.V.R.Shanmuganathan
1 & 2	:	Additional Government Pleader

O R D E R

This is a writ of Certiorarified Mandamus seeking to quash the order dated 26.09.2016 and to direct the respondents 1 and 2 to award special grade to the petitioner on 01.04.2008 in the post of Assistant and fix the pay scale of Superintendent with effect from 02.04.2008 and to award all attendant monetary benefits.

2.The petitioner joined the service of the third respondent as Office Assistant, on 07.02.1977. Thereafter, he was promoted as Assistant. After completion of ten years, he was awarded selection Grade. On 07.06.2006, the petitioner was promoted as Superintendent.

3.Under such circumstances, the petitioner on 08.08.2016 has <https://hcservicesrecruitment.gov.in/hcservices/> to receive salary in lower post till 01.04.2008 and to award Special Grade on 01.04.2008. Thereafter, fix the salary in Superintendent scale with effect from 02.04.2008.



Thereafter, the third respondent forwarded a proposal to the second respondent for awarding special grade to the petitioner in the post of Assistant. The same was returned by the second respondent stating that as the petitioner was promoted on 07.06.2006 itself, he is not entitled for the fixation in the lower post on 01.04.2008.

4. In similar circumstances, this Court in W.P.(MD)No.21518 of 2015, dated 03.12.2015, has passed the following order:-

"10. For all the aforesaid reasons, the impugned order of the second respondent dated 09.12.2014 returning the proposal relating to fixation of pay of petitioner in the post of Junior Assistant with effect from 02.05.2010 after granting selection grade pay for the post of Lab Assistant, is quashed and the third respondent College is directed to resubmit the proposal within a period of four weeks from the date of receipt of a copy of this order and on resubmitting of proposal, the second respondent is directed to approve the same thereby granting selection grade to the petitioner in the post of Lab Assistant and thereafter, to fix his pay in the post of Junior Assistant with effect from 02.05.2010, within a period of four weeks thereafter."

5. Following the decision, the impugned order, dated 26.09.2016 is quashed. The third respondent shall forward fresh proposal / re-submit the proposal already sent, within a period of two weeks from the date of receipt of a copy of this order. On fresh proposal / re-submission of proposal by the third respondent, the second respondent shall approve the same, granting special grade to the petitioner in the post of Assistant, as on 01.04.2008, and thereafter, to fix his pay in the post of Superintendent with effect from 02.04.2008, within a period of four weeks thereafter. The writ petition stands allowed. No costs.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1. The Director of Collegiate Education, D.P.I. Campus,
College Road, Nungambakkam, Chennai - 600 006.

2. The Joint Director of Collegiate Education,
Madurai Region, Madurai.

+1CC to M/S.R.Subramanian, Advocate, SR.No. 59702

+1CC to the Special Government Pleader, SR.No. 59522

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