

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5552 of 2017

V. Srinivasan

Petitioner

vs.

1.The State of Tamil Nadu  
represented by its Secretary to Government  
Municipal Administration and Water Supply  
Department (MAWS)  
Secretariat  
Fort St. George, Chennai 600 009

2.The Director of Town Panchayats  
Kuralagam, Chennai 600 108

3.The Assistant Director of Town Panchayat  
Nagercoil Zone  
Kanyakumari District

4.The Executive Officer  
Aravaimozhi Town Panchayat  
Kanyakumari District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass appropriate orders on the petitioner's appeal petition dated 15.05.2016 and to sanction arrears of salary for the period from 23.10.1992 to 30.04.2005 on revision of scale of pay with consequential promotion on par with his junior Meenakshi in favour of K.Arumugam as per the proceedings of the Assistant Director of Town Panchayat, Erode Region in Na.Ka.No.10667/2013/Pa.2 dated 12.04.2013, within a time frame.

For petitioner  
For respondents

Mr. G. Sankaran  
Mr. T.M. Pappiah  
Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been filed seeking a writ of mandamus directing the first respondent to pass appropriate orders on the petitioner's appeal petition dated 15.05.2016 and to sanction arrears of salary for the period from 23.10.1992 to 30.04.2005 on revision of scale of pay with consequential promotion on par with his junior Meenakshi, in favour of K.Arumugam as per the proceedings of the Assistant Director of Town Panchayat, Erode Region in Na.Ka.No.10667/2013/Pa.2 dated 12.04.2013, within a time frame.

3 The petitioner, having been appointed as Junior Assistant in the Town Panchayat service in the year 1965, after three stages of promotion, viz., Executive Officer, Grade-II in 1980, Executive Officer, Grade-I in 1993 and Selection Grade Executive Officer in 1997, was allowed to retire from service, since he reached the age of superannuation with effect from 30.04.2005. Finally, the Assistant Director of Town Panchayat, Erode, had issued an order dated 14.12.2015 for revision of scale of pay in the post of Assistant Director of Town Panchayat on the date of his retirement notionally, on par with his junior one Meenakshi following the State-wide seniority. Accordingly, the petitioner was also given the benefit of revised pensionary benefits from the date of his retirement. However, feeling aggrieved that he was not given the benefit of arrears of salary on par with his junior, Meenakshi, the petitioner has preferred an appeal to the first respondent on 15.05.2016 stating that he is denied of monetary benefits, based on his revised seniority and also referring to the benefit given to the other similarly placed person, viz., Arumugam, vide proceedings dated 12.04.2013 in Na.Ka.No.10667/2013/Pa.2. Finding no response to the said appeal petition, the petitioner has preferred the writ petition seeking the aforestated relief.

4 Since the petitioner's appeal petition has been pending since May 2016, eight weeks time is granted to the first respondent to consider and pass orders on the petitioner's appeal petition dated 15.05.2016 on its own merits and in accordance with law.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

1.The Secretary to Government  
Municipal Administration and Water Supply  
Department (MAWS)  
Government of Tamil Nadu  
Secretariat  
Fort St. George  
Chennai 600 009

2.The Director of Town Panchayats  
Kuralagam  
Chennai 600 108

3.The Assistant Director of Town Panchayat  
Nagercoil Zone  
Kanyakumari District

4.The Executive Officer  
Aralvaimozhi Town Panchayat  
Kanyakumari District

+1cc to M/S. G. Sankaran, Advocate Sr. 14664

+1cc to the Government Pleader, Sr. 14733

W.P. No.5552 of 2017

MCV (CO)  
VR(04/04/2017)

सत्यमेव जयते

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