

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M. SUBRAMANIAM

W.P.No.16749 of 2011

K.Charles Devraj,
S/o.Krishnan,
Christian, aged 45 years,
working as Lecturer (Selection Grade),
Pondicherry Institute of Post Matric,
Technical Education (PIPMATE),
Puducherry.Petitioner

Versus

Pondicherry Institute of Post Matric,
Technical Education (PIPMATE)rep.
By its Member Secretary,
Lawspet, Puducherry.Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent to grant the selection Grade of Rs.12,000-18300 with effect from 10.07.2002, the date on which the petitioner has completed 4 years of service in the post of Senior Lecturer/Senior Scale with all other consequential benefits including arrears of wages and the corresponding revise pay band under the 6th pay Commission.

For Petitioner : Mr.V.Ajayakumar

For Respondent : Mr.T.M.Naveen

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O R D E R

The relief sought for in this Writ petition is to direct the respondent to grant the selection Grade pay of Rs.12,000-18300 with effect from 10.07.2002, the petitioner has completed 4 years of service in the post of Senior Lecturer/Senior Scale with all other consequential benefits including arrears of wages and the corresponding revised scale of pay band under the various pay Commission.

2.The learned counsel appearing for the writ petitioner brought to the notice of this Court that a resolution was passed by the respondent where in it is stated as follows:-

"Therefore, before submitting the file of the DPC to review proceedings of the earlier DPC held on 09.08.2007 to rectify the date of conferment of Selection Grade to Thiru.K.Charles Devaraj, Senior Lecturer in Commercial Practice, WPTC, Puducherry w.e.f. From 10.07.2002 instead of 10.07.2003, in the light of clause (d) above, the file was referred to the DP&AR (PW) through the Joint Secretary (Education). In turn, the file was returned by the Joint Secretary (Education) with the nothings that "Discussed with Secretary (Education). This particular case to be discussed in PIPMATE Governing Body."."

3.The learned counsel appearing for the petitioner further, brought to the notice of this Court that the Governing Body of the Pondicherry Institute of Post Matric Technical Education (PIPMATE) held on 11.11.2011, recorded the minutes. In respect of the writ petitioner the following minutes are recorded reads as follows:

"Item No.IV-6.Revision of the date of conferment of selection Grade scale of pay to Thiru.K.Charles Devaraj, Senior Lecturer in Commercial Practice, WPTC, Puducherry.

The Governing Body viewed that since Thiru. K.Charles Devaraj Senior Lecturer in Commercial Practice, WPTC, Puducherry has filed a Writ Petition praying to advance the date of conferment of Selection Grade from 10.07.2003 to 10.07.2002, and the case is pending in the High Court, Chennai, the proposal may be taken up for consideration only after receipt of the outcome of the Court verdict."

4.Citing these resolution, the learned counsel for the writ petitioner urged this Court by stating that the respondent has admitted the discrepancy and the errors. According to him, in respect of the scale of pay of the petitioner, they have admitted and passed the resolution. In this regard, they are bound to rectify the same in accordance with rules. Further, in the resolution in the minutes held on 11.11.2011, it is stated that on account of the pendency of the writ petition, the revision is unable to be effected for the writ petitioner and after the disposal of the writ petition, the exercise will be

done. In the absence of any interim order in this writ petition, the respondent ought to have granted all these relief in advance, and mere pendency of the writ petition is no bar for rectifying the pay anomaly. Now this court is of the opinion that the respondents have noted down certain details in respect of the revision of the pay as applicable to the writ petitioner, in accordance with rules in force.

5.Thus, the respondents are directed to consider the case of the writ petitioner based on the resolution and the minutes recorded in this regard and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order. The writ petitioner is directed to enclose the copies of representations along with the order passed by this Court. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-v)

//True Copy//

Sub Assistant Registrar

stm

To

The Member Secretary,
Pondicherry Institute of Post Matric,
Technical Education (PIPMATE)rep.
Lawspet, Puducherry.

+1cc to Mr.V.AJAYAKUMAR Advocate, S.R.No. 85799
+1cc to Mr.T.M.NAVEEN, Advocate, S.R.No. 85726

W.P.No. 16749 of 2011

NMI (CO)
TR(03/01/2018)

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