

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated: 26.07.2017

Coram

The Hon'ble Mr.Justice M.V.Muralidaran

W.P.No.8219 of 2009

T.Murugan

.. Petitioner

/versus/

1.The State of Tamil Nadu Rep.by
the Principal Secretary to Govt.
Higher Education Department,
Secretariat,
Chennai-9.

2.The Director of Technical Education,
Guindy, Chennai-32.

3.The Principal Secretary/Commissioner of
Technical Education,
Chennai-25.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondents 3&1 in connection with the orders passed by them in Letter No.Mu.Mu.27882/A5/08, dated 10.09.2008 and in Letter No.23398/C2/2008-5 dated 06.04.2009 respectively and quash the same to the extent of the petitioner only and direct the respondents to pay the scale of pay available to the post of Instrument Mechanic to the post of Electrician Grade II also held by the petitioner with effect from the date of revision of pay done in favour of the post of Instrument Mechanic with all monetary and service benefits.

For Petitioner :Mr.R.Singaravelan,
Senior Counsel for
Mr.V.S.Jagadeesan

For Respondents :Mrs.M.E.Raniselvam, AGP

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O R D E R

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondents 3 & 1, in connection with the orders passed by them in Letter No.Mu.Mu.27882/A5/08, dated 10.09.2008 and in Letter No.23398/C2/2008-5 dated 06.04.2009 respectively and quash the same to the extent of the petitioner only and direct the respondents to pay the scale of pay available to the post of

Instrument Mechanic, to the petitioner, who is in the post of Electrician Grade II, with effect from the date of revision of pay done in favour of the post of Instrument Mechanic, with all monetary and service benefits.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is stated in the impugned order dated 06.04.2009 of the respondents that One Man Commission has examined the request of the petitioner and opined that, there is no anomaly in the existing scale of pay, considering the qualification and nature of duties and responsibility attached to the post; and therefore, on the basis of the opinion rendered by the One Man Commission, the respondents rejected the request of the petitioner. But, on perusal of the impugned order, it is seen that there is no valid reason has been assigned in the impugned order and it seems to be a non-speaking order; further, no opportunity has been given to the petitioner before passing the order. Therefore, I am inclined to allow the writ petition by setting aside the impugned order dated 06.04.2009, by directing the respondents to consider the petitioner's representation dated 30.06.2008 afresh.

4. Accordingly, the writ petition is allowed and the impugned order is set aside, with a direction to the respondents to consider the petitioner's request dated 30.06.2008 afresh, after affording an opportunity of personal hearing to the petitioner, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai-9.

2.The Director of Technical Education,
Guindy, Chennai-32.

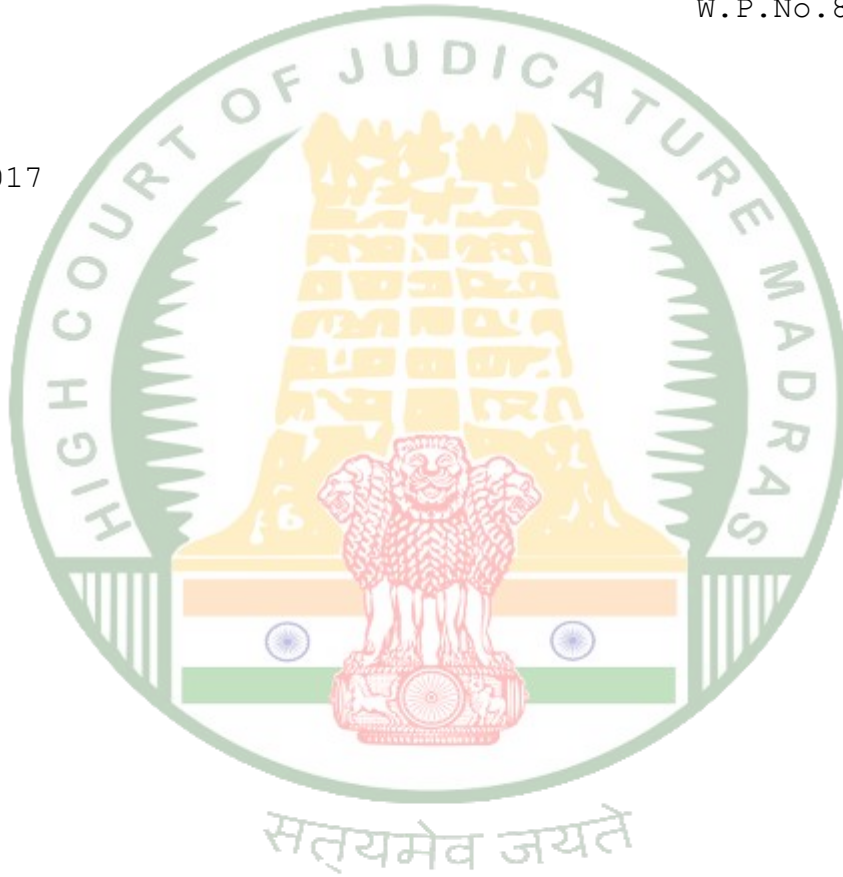
3.The Principal Secretary/Commissioner of
Technical Education,Chennai-25.

+1 cc to the Government pleader sr 53996

+1 cc to Mr.V.S.Jagadeesan Advocate sr 53181

W.P.No.8219 of 2009

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