

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.16885 of 2017

M. Karikalan

...Petitioner

Vs.

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Principal Secretary to Government,
Public Department,
Secretariat, Chennai - 600 009.
3. The Secretary to Government,
P&AR (U.Spl) Department,
Secretariat, Chennai - 600 009.
4. The Pay and Accounts Officer,
O/o. Pay and Accounts officer,
Secretariat, Chennai - 600 009.Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's representation dated 27.05.2017 within the stipulated period as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.K.Dhanajeyan
Special Government Pleader

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O R D E R

This writ petition has been filed for issuance of writ of Mandamus by directing the first respondent to pass orders on the petitioner's representation dated 27.05.2017.

2. The sole ground set out in this writ petition is that inspite of the fact that the pay of the writ petitioner has been stepped up on par with his juniors and an order was also issued by the Government in G.O.(2D) No.15, Public (Estt.III) Department dated 29.05.2013, the respondents have not taken any steps to implement the same by calculating the differential amount and disburse the same in favour of the writ petitioner.

3. On a perusal of the Government Order issued in G.O.(2D) No.15, Public (Estt.III) Department dated 29.05.2013, in paragraph Nos.5 to 9, the Government considered the case of the writ petitioner, which reads as follows:

"5.Accordingly, the Government after careful consideration hereby direct that the pay of Thiru.M.Karikalan, Under Secretary to Government (formerly Section Officer), shall be fixed on par with his junior Thiru M.Velmurugan, Section Officer, Industries Department (now retired) as detailed below, by stepping up of his pay with effect from 29.5.1998 in the pre-revised scale of pay of Rs.6500-200-11100:-

Name	Seniority No. & year of panel (ASO post)	Pay drawn and the name of post held as on 28.5.1998 Rs.	Pay drawn and the name of the post held as on 29.5.1998 Rs.	Increase of pay accrued after implementation on Rs.	Pay Fixed on par with junior Rs.	Date of next increment after fixation
Senior Thiru. M.Karikalan	21A/2005	6725/- A.S.O	6900/- A.S.O		8100/-	01.01.1999
Junior Thiru. M.Velmurugan	76/2005	6550/- A.S.O	8100/- Upgrade d S.O	1550/-		01.01.1999

6.Under Rule 27 of the Fundamental Rules, the Government also direct that the due date of his next increment in the upgraded post shall be on par with his junior as indicated in the above Statement.

7.ThiruM.Karikalan, Under Secretary to Government (on District Training) is eligible to draw arrears of pay and allowances with effect from 29.5.1998.

8.The Section Officer, Public (Bills-A) Department shall draw arrears of pay and allowances consequent on the above fixation and disburse the same to the individual.

9.If any excess payment is found at a later date, consequent on the above refixation, the same will be recovered from the individual."

4. The only grievance of the writ petitioner is that the above directions issued by the Government have not yet been complied with for the past five years. Being a retired Joint Secretary from the Secretariat, he has taken steps for implementation of the aforesaid Government Order, but, the same has not yielded any results. Hence, the petitioner has come forward with this Writ Petition.

5. Once the Government issued an order, it is the duty of the Subordinates to see that the order of the Government is implemented. It is very unfortunate that a retired Joint Secretary, who served for more than three decades in the Secretariat, is forced to file this Writ Petition, seeking for the implementation of the Government Order passed in his favour in the year 2013.

6. Thus, the Principal Secretary to the Government, Public Department, is directed to find out who is responsible for not implementing the order passed by the Government in G.O.(2D) No.15, Public (Estt.III) Department dated 29.05.2013. This apart, it is further directed that the representation submitted by the writ petitioner on 27th May, 2017, is to be considered on merits and in accordance with law and appropriate action is to be taken in this regard and the same shall be communicated to the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

rpa

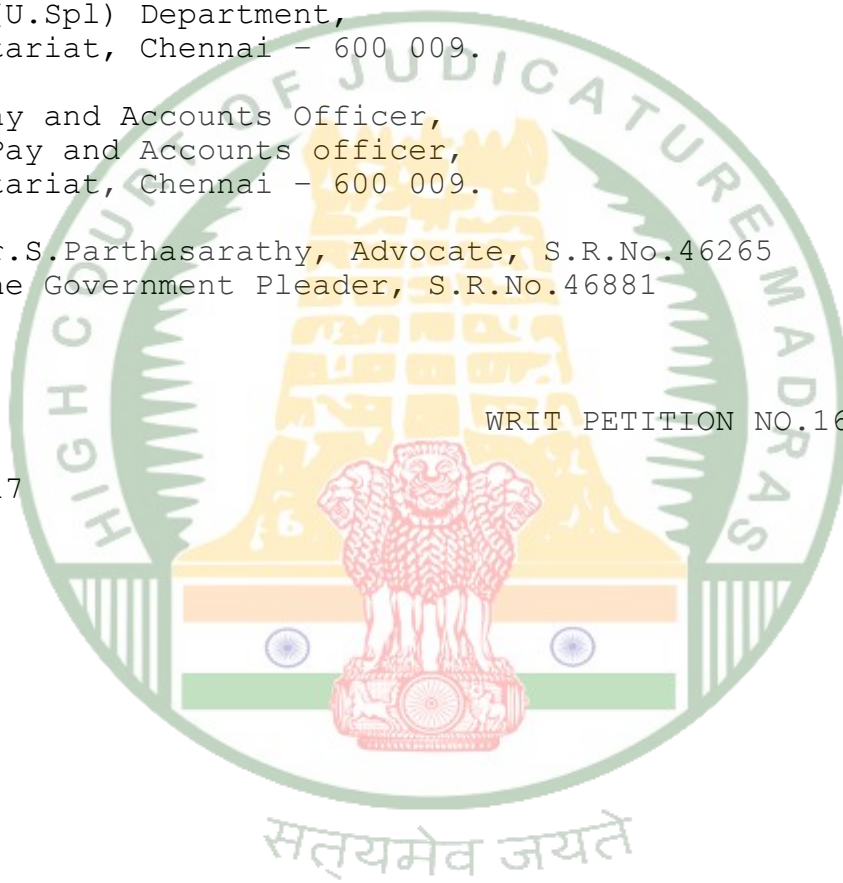
To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Principal Secretary to Government,
Public Department,
Secretariat, Chennai - 600 009.
3. The Secretary to Government,
P&AR (U.Spl) Department,
Secretariat, Chennai - 600 009.
4. The Pay and Accounts Officer,
O/o. Pay and Accounts officer,
Secretariat, Chennai - 600 009.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.46265
+1cc to the Government Pleader, S.R.No.46881

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CS/25/07/17



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