

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1696/2017 & WMP.No.1665/2017

1.G.Sugumar
2.P.Mariappan
3.K.M.Mohideen Abdul Kader .. Petitioners

Vs

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

2.The Secretary to Government
Finance [Pay Cell] Department,
Secretariat, Chennai-9.

3.The Director,
Motor Transport Maintenance Department
Ashok Nagar, Chennai-83. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to pay personal payoff 5% of pay to the petitioners also held the post of Electrician Grade II as on 01.08.1992 in the light of the order of this Court in WP.no.7655/2006 dated 17.02.2010, the Government Letter in Letter No.45250/CMPC/2011-1 dated 02.07.2012 and also the Government Order in G.O.Ms.No.143, Finance [Pay Cell] Department dated 03.06.2014 with all the benefits.

For Petitioners : Mr.V.S.Jagadeesan
For RR 1 to 3 : Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The following are the service particulars of the petitioners:-

1st Petitioner:-

First Appointment as Helper	04.07.1979
Promoted to the post of Time Keeper	25.10.1982
Promoted to the post of Charge Man	30.01.1986
Date of Retirement	31.01.2014

2nd Petitioner:-

First Appointment as Charge Man	05.01.1981
Promoted to the post of Fireman	30.08.2010
Date of Retirement	31.10.2010

3rd Petitioner:-

First Appointment as Helper	26.11.1980
Promoted to the post of Charge Man	24.09.1987
Selection Grade in the post of Charge Man	15.09.1997
Special Grade in the post of Charge Man	15.09.2007
Date of Retirement	31.10.2013

3 The grievance expressed by the petitioners is that

though they were granted 5% Special Pay, the same is being recovered from the pension and insofar as the petitioners 1 and 2 are concerned, the recovery is being effected and insofar as the 3rd petitioner, it has already been recovered by way of One Time Measure.

4 The learned counsel for the petitioners has drawn the attention of this Court to the common order dated 12.05.2016 made in WP.No.10963/2016 [*S.Sivakumar and 9 others Vs. The Secretary to Government, State of Tamil Nadu, Transport Department, Secretariat, Chennai-9 and 2 others*] and would submit that in similar facts and circumstances, this Court has followed the earlier order dated 17.02.2010 made in wP.No.7655/2006 [*R.Subramanian Vs. The Secretary to Government, Transport Department, Secretariat, Chennai-9*], and directed the 1st respondent therein to take note of the Government Letter in Letter No.45250/CMPC/2011-1 dated 02.07.2012 as well as G.O.Ms.No.143, Finance [Pay Cell] Department, dated 03.06.2014 and pass appropriate orders after affording an opportunity of personal hearing to the petitioner therein and prays for similar orders.

5 The Court heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1

to 3.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 1st respondent herein to consider and dispose of the petitioners' joint representation dated 12.05.2016 on merits and in accordance with law, after taking note of the order dated 12.05.2016 made in WP.No.10963/2016 as well the Letter from the Additional Secretary to Government to the 3rd respondent, in Letter No.31213/PC-II/2016-1 dated 02.09.2016 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

24.01.2017

Index : No
Internet : Yes
AP

To

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Ashok Nagar, Chennai-83.

M.SATHYANARAYANAN, J.,

AP

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