

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2906 of 2017

&

W.M.P. No. 2815 of 2017

P. Ravi

..Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal
Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Vellore City Municipal Corporation,
Vellor - 632 001. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the proposal of the 3rd respondent issued in Na.Ka.No. 3743/2008/H1 dated 30.05.2008, duly recommended by the 2nd respondent, to sanction the time scale of pay of Rs.4000-100-6000 to the petitioner, the scale which is attached to the post of Excavator Loader (JCB) Driver as in Chennai City Municipal Corporation, within a reasonable period.

For Petitioner :: Mr.T. Ranganathan

For Respondents:: Mr.P. Chinnadurai,
Govt. Advocate for R1 & R2
Mrs.P. Shanthi for R3

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.P. Chinnadurai, learned Government Advocate accepts notice on behalf of respondents 1 and 2 and Mrs.P. Shanthi, learned counsel accepts notice on behalf of the 3rd respondent.

3. The petitioner would aver that he is an Ex-Serviceman appointed as an Excavator Loader (JCB) Driver in the service of the 3rd respondent based on his educational qualification and on his possessing Heavy Vehicle Driver Licence along with additional training given by the JCB Operator Training Centre at Madras for operation and maintenance of JCB. When the 3rd respondent called for a list of qualified and eligible candidates from the Employment Exchange for appointment to the said ppost, the name of the petitioner was also recommended and after attending interview and undergoing the selection process, he was appointed as an Excavator Loader (JCB) Driver in the scale of pay of Rs. 3200-85-4900 vide proceedings of the 3rd respondent dated 22.10.2001 and he is still continuing to work in that capacity. The petitioner would further aver that as per G.O.(Ms.) No. 162 Finance (Pay Cell) Department dated 13.04.1998, the pay scale attached to the post of Excavator Loader (JCB) Driver has been fixed at Rs.4000-6000 with usual Grade Pay as prescribed in the Tamil Nadu Revised Pay Scales of Pay Rules, 1998 and Serial NO. 529 is in respect of Chennai City Municipal Corporation and therefore, the petitioner has approached the 3rd respondent for sanction of the said scale of pay of Rs.4000-6000 instead of Rs.3200-4900. The 3rd respondent has also made a positive recommendation to the 2nd respondent vide proposal/Letter Na.Ka. No. 3743/2008/H1 dated 30.05.2008 for sanction of time scale of Rs.4000-6000 to the petitioner and the 2nd respondent, in turn, has also taken the proposal to the 1st respondent by his letter dated 16.04.2009 in Na.Ka.No. 813/2007/khem1 and the 3rd respondent has also sent a reminder dated 29.08.2016 in Na.Ka. No. 11173/2005/H1 requesting the 2nd respondent to obtain orders from the Government. The grievance now expressed by the petitioner is that despite recommendation made by the 2nd respondent, praying for appropriate orders, so far, no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Heard Mr.T. Ranganathan, learned counsel for the petitioner, Mr.P. Chinnadurai, learned Government Advocate for respondents 1 and 2 and Mrs.P. Shanthi, learned counsel for the 3rd respondent.

5. Though the petitioner prays 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 petitioner, directs the 1st respondent to act on the proposal/recommendation of the 2nd respondent dated 16.04.2009 in Na.Ka.No. 813/2007/kheml and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the 3rd respondent. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

sd/-

Assistant Register

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Sub Assistant Register

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To

1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal
Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Vellore City Municipal Corporation,
Vellor - 632 001.

+ 1 cc to Mr.T. Ranganathan, Advocate sr.7537

+ 1 cc to The Govt.Pleader sr.8050

W.P. No. 2906 of 2017

RJ[CO]
RR 28/02/2017