

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33646 of 2013

T.Sethu

.. Petitioner

-vs-

1.The Secretary to Government,
Public (Spl-A) Department,
Fort St. George,
Chennai-09.

2.The Secretary to Government,
Personnel and Administrative
Reforms Department,
Fort St. George,
Chennai-09.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to upgrade the petitioner as Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances to the petitioner.

For Petitioner - Mr.S.Sivakumar

For Respondents - Mr.K.Thangapandi,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to upgrade the petitioner as Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances to the writ petitioner.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner was initially recruited to the post of Junior Assistant on 24.9.1984 through Tamil Nadu Public Service Commission and he was promoted to the post of Assistant Section Officer on 8.5.1989. Further, the writ petitioner was promoted to the post of Section Officer on 14.6.2005 and to the post of Under Secretary on 30.6.2009. Thereafter, the writ petitioner was promoted as Deputy Secretary on 5.8.2011.

3. The learned counsel appearing for the writ petitioner further states that the writ petitioner has now retired from service on attaining the age of superannuation. However, in the event of granting upgradation, he will be getting the monetary benefits by way of re-fixation of his pay and pension.

4. This Court is of the view that upgradation is a policy and the writ petitioner can never claim upgradation as a matter of right. Upgradation, being a policy, to be framed by the Government, through its Competent Authorities. However, the learned counsel for the writ petitioner states that the juniors to the writ petitioner, were upgraded to the higher post and similar benefits are not granted to the writ petitioner. In this regard, the writ petitioner submitted a representation to the respondent on 21.1.2013.

5. Without going into the merits of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 21.1.2013 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. The writ petitioner is directed to enclose the copy of the representation with all other relevant Government Orders and the upgradation orders of the juniors, along with the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
Public (Spl-A) Department,
Fort St. George,
Chennai-09.
2. The Secretary to Government,
Personnel and Administrative
Reforms Department,
Fort St. George,
Chennai-09.

+ 1 ccto MR. S. Sivakumar, Advocate SR.78408

WP 33646 of 2013

RJ (CO)
EU (06/12/2017)