

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.15226 of 2012
and
M.P.No.1 of 2012

S.Karunanidhi

... Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Principal Secretary to
Government,
Environment and Forests Department,
Secretariat, Chennai - 9.
2. The Chairman,
Arasu Rubber Corporation Limited,
No.90, Panagal Buildings, Chennai - 15.
3. The Managing Director,
Arasu Rubber Corporation Limited,
Vadachery, Nagercoil,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to consider the candidature of the petitioner in the light of the orders passed by the Government in G.O.Ms.No.339 Finance (PC) Department dated 26.08.2010 for re-designation to the post of Senior Systems Manager and to re-designate the petitioner as Senior Systems Manager from the date of issue of G.O.Ms.No.339 and to confer all consequential pay revisions in accordance with the one Man recommendations and VI Pay Commission recommendations as appropriate for the said post.

For Petitioner .. Mr.M.Ravi

For Respondents .. Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader

ORDER

The petitioner herein has approached this Court seeking the following relief:

"to direct the respondents to consider the candidature of the petitioner in the light of the orders passed by the Government in G.O.Ms.No.339 Finance (PC) Department dated 26.08.2010 for re-designation to the post of Senior Systems Manager and to re-designate the petitioner as Senior Systems Manager from the date of issue of G.O.Ms.No.339 and to confer all consequential pay revisions in accordance with the one Man recommendations and VI Pay Commission recommendations as appropriate for the said post."

2.The case of the petitioner is as follows:

(i) The petitioner has been appointed as Computer Programmer in 1991 under the second respondent Corporation. He is presently working as Special Grade Computer Programmer. According to the petitioner, without any promotion, he has been continuously working in the same post since the date of his appointment in 1991 and till date.

(ii) While the matter stood thus, the Government has appointed a One Man Commission for the purpose of rationalising the educational qualification and revision of scales of pay of Information Technology employees. The One Man Commission had made certain recommendations for revision of pay scale of various categories of persons working in the Information Technology in Government Service. On the basis of such recommendation, the first respondent issued G.O.Ms.No.339 Finance (Pay Cell) Department dated 26.08.2010 revising the pay scales of the various categories of Information Technology employees. According to the petitioner, one of the recommendations was also accepted and the post which came under the purview of the above said Government Order was Senior Systems Manager in the pay scale of Rs.15600-39100. The qualifying service has also been prescribed for being appointed to the said posts. After coming into force of the above said Government Order, the petitioner is said to have submitted representations seeking appointment as Senior Systems Manager by applying the Government Order in respect of the second respondent Corporation also. Since no positive order was forthcoming from the Corporation, he is before this Court seeking the relief stated supra.

3.Learned counsel appearing for the petitioner would strongly contend that in pursuance of the Government Order in

G.O.Ms.No.339 Finance (Pay Cell) Department dated 26.08.2010, several Government Orders were issued in respect of similar Corporation/Forest Department appointing various persons working as Computer Programmers as Senior Systems Managers. The learned counsel drew the attention of this Court to the additional typed set of papers wherein the Government Orders which are passed in favour of the employees in different Corporations have been enclosed. Learned counsel also drew the attention of this Court to the specific resolution passed by the second respondent Corporation itself on 21.04.2017 proposing to appoint the petitioner as Senior Systems Manager in the pay scale of Rs.15600-39100. Learned counsel would submit that such proposal, though having been recommended on 21.04.2017, is still pending consideration with the first respondent. The learned counsel would emphasise the fact that the petitioner, having been appointed as Computer Programmer, has been allowed to languish for 26 years in the same position without any promotion. He would further submit that even after coming into force of the Government Order in G.O.Ms.No.339 Finance (Pay Cell) Department dated 26.08.2010, no relief has been granted to the petitioner. He also further contended that as regards the service conditions of the second respondent Corporation, whatever the Government Orders, which are passed in favour of the Government employees, are ipso facto made applicable to the service conditions of the Corporation. In the said circumstances, he would submit that there cannot be any justification for denying the said benefit to the petitioner alone.

4.Learned Additional Government Pleader has filed his counter and reiterated the averments as averred by the second and third respondents Corporation in the counter affidavit.

5.Upon consideration of the averments of the rival claims and also considering the arguments advanced by the learned counsels, this Court is of the view that a direction is required to be issued to the first respondent to take a final decision on the resolution passed by the second respondent Corporation dated 21.04.2017 in respect of appointment of the petitioner as Senior Systems Manager. The said decision shall be taken with reference to the other similar Government Orders passed by the Government in respect of other similarly placed employees in other Corporations. The said exercise shall be completed and the proposal shall be approved within a period of two months from the date of receipt of a copy of this order.

6.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

mmi

To

1. The Principal Secretary to
Government,
Environment and Forests Department,
Secretariat, Chennai - 9.
2. The Chairman,
Arasu Rubber Corporation Limited,
No.90, Panagal Buildings, Chennai - 15.
3. The Managing Director,
Arasu Rubber Corporation Limited,
Vadachery, Nagercoil,
Kanyakumari District.

+1cc to Mr.M.Ravi, Advocate Sr. 47645

+1cc to the Government Pleader Sr. 47663

सत्यमेव जयते

W.P.No.15226 of 2012

RV(CO)

VR(14/07/2017)

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