

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 28241 of 2013
and
M.P.Nos. 1 to 3 of 2013

J. Ashok Kumar

.. Petitioner

Vs.

1. The Secretary to Government
Personnel and Administrative
Reforms Department
Fort St. George
Chennai - 600 009.

2. The Secretary to Government
Finance Department
Fort St. George
Chennai - 600 009.

.. Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders issued by the 1st respondent in G.O.Ms. No. 112 P & A.R Department dated 13.07.2012 and quash the same and consequently direct the respondents to consider the case of the petitioner for stepping up their pay on par with their juniors in the Finance Department, in the light of the orders issued in G.O.Ms.No. 126 P & A.R Department dated 29.05.1998 and in G.O. Ms. No. 154 P & A.R Department dated 30.10.2009 within a reasonable period as may be fixed by this Court and pass further orders.

For Petitioner : Mr.T. Ranganathan
For Respondents : Mr. S. Diwakar,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking to quash the order issued by the 1st respondent in G.O.Ms. No. 112 P & A.R Department dated 13.07.2012 and consequently direct the respondents to consider the case of the petitioner for stepping

up their pay on par with their juniors, in the Finance Department, in the light of the orders issued in G.O.Ms.No. 126 P & A.R Department dated 29.05.1998 and G.O. Ms. No. 154 P & A.R Department dated 30.10.2009, within a reasonable period.

2. Today, when the matter was taken up for disposal, learned counsel for the petitioner brought to the attention of this Court, the decision rendered by this Court in W.P. No. 25556 of 2013 dated 08.04.2014. When the said order was taken on appeal by the respondent Department, in Writ Appeal No. 971 of 2014, the Division Bench of this Court, dismissed the same, on 18.03.2016. The Special Leave Petition preferred by the Government, in C.C. No.12920 of 2016 was also dismissed by the Hon'ble Supreme Court on 29.07.2016. Therefore, the order passed by the learned Single Judge of this Court, allowing the Writ Petition is confirmed. Since, the issue involved in the present writ petition, is also squarely covered by the aforesaid decision, learned counsel for the petitioner prayed to allow the petition.

3. Learned Special Government Pleader submitted that the petitioner in the present writ petition are also similarly placed as of the petitioner in the aforesaid writ petition.

4. Paragraph 22, of the order passed by this Court in W.P. No. 25556 of 2013 dated 08.04.2014, reads as follows :-

" 22. In view of the above, G.O. Ms. No. 112 dated 13.07.2012, is quashed insofar as the direction issued for upgradation/ stepping up of pay on par with juniors in one unit in paragraph No.6 and consequently the respondents are directed to give similar benefit to the petitioner as granted to the promotees from the post of Assistant in G.O. Ms. No. 154 dated 30.10.2009, by making necessary amendment in G.O. Ms. No.112 dated 13.07.2012. So far as the prayer relating to quashment of paragraph No.14 is concerned, the same is rejected."

5. In view of the above, the Writ Petition is partly allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Secretary to Government
Personnel and Administrative
Reforms Department
Fort St. George
Chennai - 600 009.

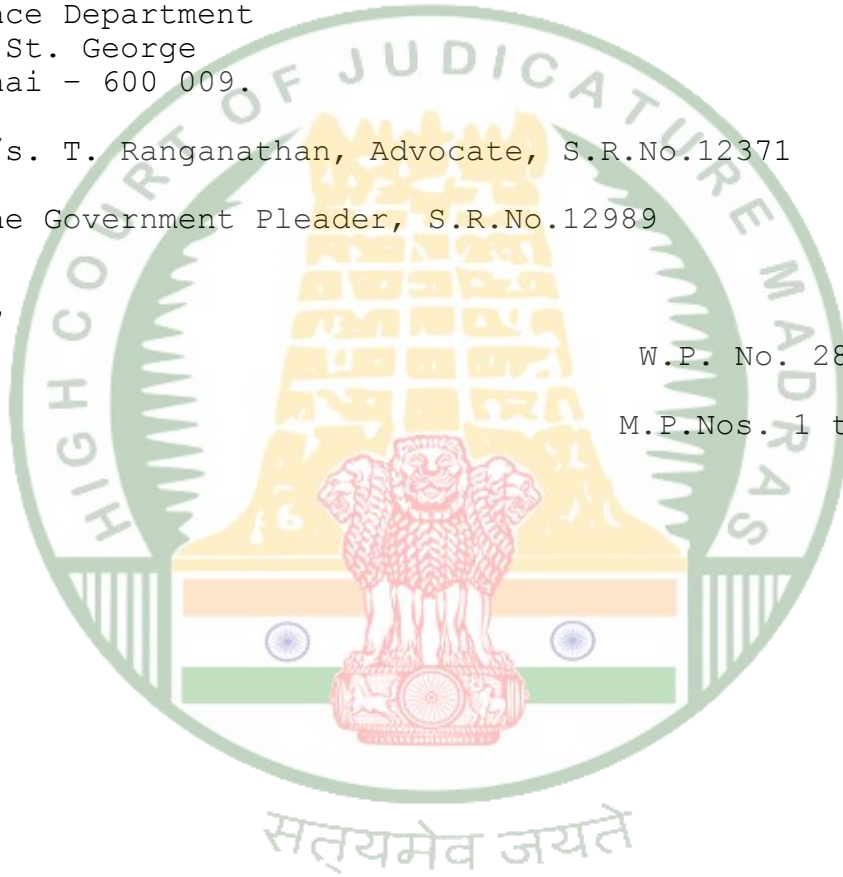
2. The Secretary to Government
Finance Department
Fort St. George
Chennai - 600 009.

+1cc to M/s. T. Ranganathan, Advocate, S.R.No.12371

+1cc to the Government Pleader, S.R.No.12989

RSK(CO)
EU 12.4.17

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