

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.12.2017
CORAM
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN
W.P.No.27918 of 2012

1.M.Lakshmi Narayanan
2.N.Visalakshi
3.K.Swaminathan
4.M.Rukmani

... Petitioners

Vs

1.Union Territory of Pondicherry
rep by its Chief Secretary to Government,
Puducherry.
2.The Secretary to Government,
Education Department,
Pondicherry.
3.The Director of Higher and
Technical Education,
Puducherry.
4.The District Collector,
Karaikal District,
Karaikal.
5.The Principal,
Perunthalaivar Kamarajar Institute of
Engineering and Technology,
Nedungadu, Karaikal.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records of the 5th respondent in Recruitment Notification No.PKIET/Rect (NT)/2012/2526 dated 19.06.2012 to the post of Lab Technician and to quash the same as illegal and consequently, to direct the respondents to consider proper fixation of the salary to the post of Lab Technician corresponding to the duties and responsibilities and on par with the similarly placed individuals employed in the Educational Institutions founded and controlled by the Government of Puducherry.

Prayer amended as per order dated 08.04.2014 in
M.P.No.1 of 2014 in W.P.No.27918 of 2012

For Petitioners : Mr.L.Chandrakumar
For Respondents : Mr.B.Nambiselvan,
Additional Government Pleader

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioners. Mr.B.Nambiselvan, learned Additional Government Pleader appearing for the respondents.

2. The petitioners have approached this Court for seeking the following relief,

"To issue a writ of Certiorarified Mandamus, to call for the records of the 5th respondent in Recruitment Notification No.PKIET/Rect (NT)/2012/2526 dated 19.06.2012 to the post of Lab Technician and to quash the same as illegal and consequently, to direct the respondents to consider proper fixation of the salary to the post of Lab Technician corresponding to the duties and responsibilities and on par with the similarly placed individuals employed in the Educational Institutions founded and controlled by the Government of Puducherry."

3. The case of the petitioners is as follows:-

The petitioners are all employed as Lab-Technicians in the fifth respondent Institute. They were working in the pay scale of Rs.3050-4590 at the relevant time. According to them, the Lab-Technicians employed in Pondicherry Institute of Post Matric and Technical Education (PIPMATE) were granted higher pay scale viz., Rs.5000-150-8000, whereas, the Lab-Technicians employed in the fifth respondent Institute who were in the position of identical qualification, were placed in the lower pay scale of Rs.3050-4590.

4. Therefore, in view of the disparity in the pay scale as between the employees of the fifth respondent Institute and other institutions, the petitioners have been approaching the authorities concerned seeking parity in the pay scale. According to them, the method of recruitment and qualification prescribed are one and the same and the nature of duties is also same in respect of all the Lab-Technicians employed in the respondent Institutions.

5. When the matter was taken up for hearing, the learned counsel for the petitioners would submit that the first respondent may be directed to consider the petitioners' representation and pass orders on merits and in accordance with law and he would be satisfied, if such direction is given.

6. Upon notice, learned Additional Government Pleader appearing for the respondents entered appearance and he is also present. Since the learned counsel for the petitioners would confine his relief only for a direction to be issued to the first respondent for disposal of the representation, the learned counsel appearing for the respondents did not have any objection for such direction being issued.

7. In view of the above, there will be a direction to the petitioners to submit a comprehensive representation to the first respondent or the competent authority, within a period of one week from the date of receipt of a copy of this order. The petitioners are directed to spell out in detail their qualification, method of recruitment etc., as given in the affidavit filed in support of the writ petition.

8. On such representation being made, the first respondent or the competent authority is directed to pass a considered order on merits and in accordance with law, within a period of eight weeks thereafter. It is also made clear that the first respondent is directed to take all relevant factors into consideration including the averments contained in the affidavit filed in support of the writ petition and pass orders.

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Chief Secretary to Government,
Union Territory of Pondicherry,
Puducherry.

2.The Secretary to Government,
Education Department,
Puducherry.

3.The Director of Higher and
Technical Education,
Puducherry.

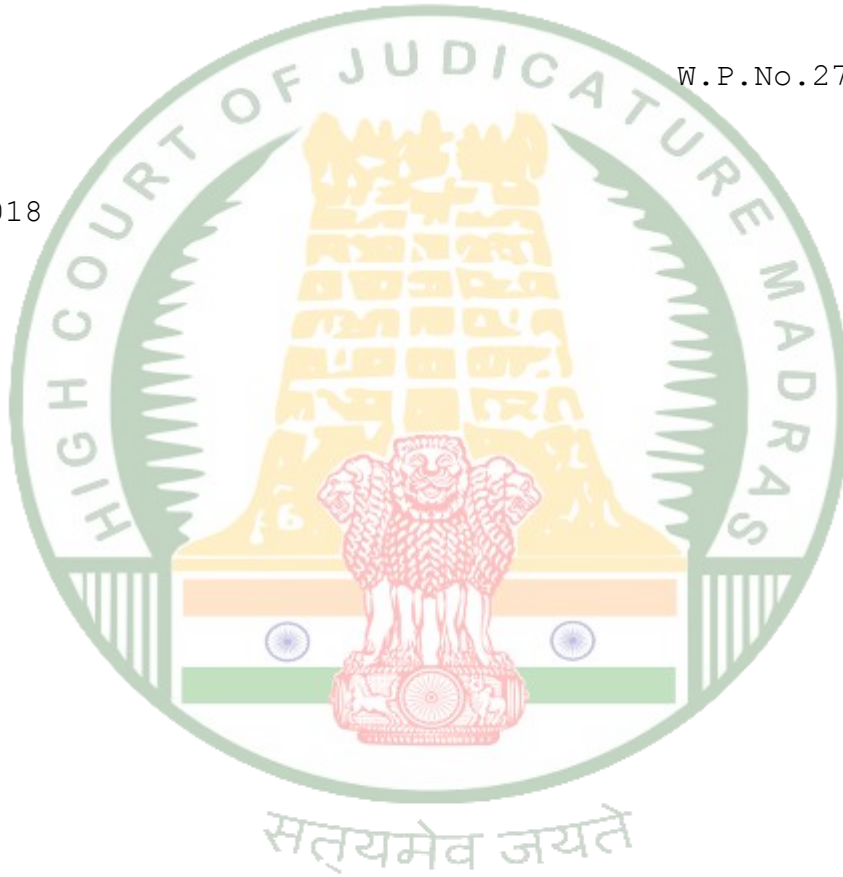
4.The District Collector,
Karaikal District,
Karaikal.

5.The Principal,
Perunthalaivar Kamarajar Institute of
Engineering and Technology,
Nedungadu, Karaikal.

+1 cc to Mr.L.Chandrakumar Advocate sr 88272

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