



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.09.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.A.[MD].No.1246 of 2017
and
C.M.P. (MD) No.8720 of 2017**

1. Secretary to Government,
Finance Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
2. The Secretary to Government,
Tamil Development & Information
Department,
Secretariat, Chennai - 600 009.
3. The Director of Stationary and Printing,
110, Anna Salai, Chennai - 600 032. ... Appellants

Vs.

- 1.S.Kannan
Special Grade Binder, Grade II
- 2.S.Jelina Neethi Bai
- 3.L.Rajalakshmi
- 4.R.Damayanthi
- 5.R.Vijayalakshmi
- 6.M.Kasthuri
- 7.M.Vadamalraj
- 8.M.Padmasuran
- 9.A.Balasubramani ... Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 28.01.2016 made in WMP(MD)No.1557 of 2016 in WP(MD)No.21132 of 2015 and allow the writ appeal.

Prayer in WMP(MD). 1557/ 2016 :

This petition is filed praying to grant an AD-INTERIM
<https://hcservices.ecourts.gov.in/hcservices/>
DIRECTION directing the 3rd respondent to allow selection grade
and special grade scales of pay of Rs.9300-34800+4200 (GP) and



9300-34800+4400(GP) to the post of Book Binder Grade-II as per revised Selection Grade and Special Grade scale of pay as clarified in Government Letter No.63305/Pay-cell/2010-1 dated 08/11/2010 on the recommendations of the one man commission-2010 and pay all monetary benefits accruing thereon and pass further or orders.

Prayer in WP(MD). 21132/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for records relating to the Impugned circular issued by the 3rd respondent in his proceedings Iyyak.No.52960/A1/2013 dated 15.04.2014 and quash the same as illegal and consequently to direct the 3rd respondent to allow selection grade and special grade scales of pay of Rs.9300-34800+4200(GP) and 9300-34800+4400(GP) to the post of Book Binder Grade-II as per revised Selection Grade and Special Grade scale of pay as clarified in Government Letter No.63305/Pay-cell/2010-1 dated 08/11/2010 on the recommendations of the one man commission-2010 and pay all the monetary benefits accruing thereon within the period that may be stipulated by this Hon'ble Court.

For Appellants : Mr.B.Pugalenthil,
Additional Advocate General
Assisted by Mr.T.S.Md.Mohideen,
Additional Government Pleader

For Respondents : Mr.Ajmal Khan, Senior Counsel
for Ms.Ajmal Associates

JUDGMENT

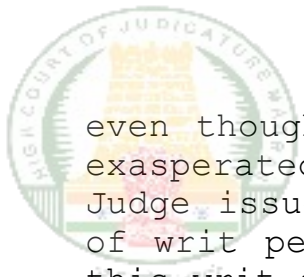
[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This writ appeal has been filed by the Government challenging the order dated 28.01.2016 made in WMP(MD)No.1557 of 2016 in WP (MD)No.21132 of 2015 filed by the respondents herein.

2.The respondents herein are working as Special Grade Book Binders, Grade II in the office of the Deputy Works Manager, Government Branch Press, Madurai Bench of Madras High Court, Madurai.

3.They represented to the authorities for allowing selection grade and special grade scales of pay Rs.9300-34800 + 4200 G.P and 9300-34800 + 4400 G.P. But the Circular dated 15.04.2014 issued by the Director of Stationary and Printing did not favourably consider their request. Feeling aggrieved by the same, WP(MD) No.21132 of 2015 came to be filed.

4.The appellants herein did not file their counter affidavit



even though sufficient opportunity was given. Virtually feeling exasperated by the conduct of the appellants herein, the learned Judge issued the impugned direction dated 28.01.2016 for revision of writ petitioners' pay as prayed for. Aggrieved by the same, this writ appeal has been filed.

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5. Heard the learned Additional Advocate General for the appellants and the learned Senior Counsel for the respondents.

6. The grievance expressed by the learned Senior Counsel with regard to the conduct of the appellants is perfectly justified. The appellants did not file their counter affidavit even though sufficient opportunity was given. Even though the order impugned in this writ appeal was passed as early as on 28.01.2016, this writ appeal came to be filed only after the filing of contempt petition by the writ petitioners. The long delay occasioned in filing of the writ appeal was condoned by this Court. Even though this Court is able to see the point of view expressed by the learned Senior Counsel for the respondents, we cannot lose sight of the fact that the learned Judge was not justified in passing the impugned direction as an interim measure. The relief that could be given only in the final hearing has been granted at the interim stage itself. The writ petitioners specifically challenged the circular dated 15.04.2014 issued by the Director of Stationary and Printing, Chennai. Admittedly, the said circular has not been stayed or set aside. It is very much in force. Therefore, the question of granting relief in favour of the writ petitioners cannot arise. It can be seen that the learned Judge kept the writ petition pending. So long as the order impugned in the writ petition is holding good, the writ petitioners could not have been granted any relief. In this view of the matter, we are constrained to set aside the order dated 28.01.2016 made in WMP(MD)No.1557 of 2016 in WP(MD)No.21132 of 2015.

7. This writ appeal is accordingly allowed. However, the Registry is directed to post the writ petition before the learned Single Judge as per roaster during the fourth week of October, 2017. We request the learned Single Judge to take up the writ petition and dispose of the matter as expeditiously as possible, in view of the fact that the first respondent was given the benefit of interim direction and we quashed the same after a gap of more than 21 months. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1. Secretary to Government,
Finance Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

2. The Secretary to Government,
Tamil Development & Information
Department,
Secretariat, Chennai - 600 009.

3. The Director of Stationary and Printing,
110, Anna Salai, Chennai - 600 032.

Copy to:

The Section Officer,
Writ Section ,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO M/s.Ajmal Associates , Advocate in SR No. 79549
+1cc to The Special Government Pleader in SR.No.79726

Skm/Arul

AE/KP/SAR1/10.10.2017/4P/7C

**W.A. [MD] .No.1246 of 2017
and
C.M.P. (MD) No.8720 of 2017
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