

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.9595 of 2018

Mrs.M.Umasankarai

.. Petitioner

vs.

- 1.The Secretary to Government,
Tourism Culture and Religious Endowments Department,
Secretariat, Fort. St. George,
Chennai 600 090.
2. The Chairman and Managing Director,
Tamil Nadu Tourism Development Corporation Ltd.,
Tourism Complex, No.2, Wallajah Road,
Chennai 600 002.

3. The General Manager,
Tamil Nadu Tourism Development Corporation Ltd.,
Tourism Complex, No.2, Wallajah Road,
Chennai 600 002

.. Respondents

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Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to grant arrears of pay and allowances and pension with interest thereon at the rate of 18% per annum upon notional fixation of pay at Rs.16,100/- with grade pay of Rs.4,400/- in the

pay band of Rs.9,300/- - 34,800/- + GP Rs.4,400/- for the post of Assistant Manager, w.e.f 01.06.2012 and at Rs.18,700/- with grade pay of Rs.4,600/- in the pay band of Rs.9,300/- - Rs.34,800/- + GP.Rs.4,600/- for the post of Deputy Manager w.e.f 14.07.2015 with all other consequential benefits.

For Petitioner : M/s.K.Nithyashree

For Respondents : Mrs.R.Janaki

Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking for a direction to grant arrears of pay and allowances and pension with interest thereon at the rate of 18% per annum upon notional fixation of pay at Rs.16,100/- with grade pay of Rs.4,400/- in the pay band of Rs.9,300/- - 34,800/- + GP Rs.4,400/- for the post of Assistant Manager, with effect from 01.06.2012 and at Rs.18,700/- with grade pay of Rs.4,600/- in the pay band of Rs.9,300/- - Rs.34,800/- + GP.Rs.4,600/- for the post of Deputy Manager with effect from 14.07.2015 with all other consequential benefits.

2. The petitioner would state that initially she was appointed as a Telephone Operator on 15.12.1983 and

subsequently, she was promoted to the post of Assistant on 10.05.1991 and granted selection grade on 19.05.2001. While she was working as a Selection Grade Assistant, she was transferred to Sale Counter and further to her shock and surprise, she was placed under suspension and issued with Charge Memo dated 17.01.2008 with several false and unsubstantiated allegation. In this regard, she submitted a reply dated 03.02.2008. But, the Disciplinary Authority without proper application of mind, observed that all the charges are proved and by an order dated 18.07.2008 imposed the penalty of downgrading the post of Selection Grade Assistant to Junior Grade Assistant. Challenging the same, the petitioner filed WP No.11253 of 2009 before this Court and this Court, while disposing of the writ petition as ordered as follows :-

“ In the result, the enquiry report and the impugned orders dated 18.07.2008 and 18.02.2009 passed by the 2nd respondent in the capacity of original Disciplinary Authority and Appellate Authority are quashed. However, liberty is given to the Disciplinary Authority to conduct fresh enquiry in respect of the charges framed against her, after giving due opportunity to the petitioner to defend her case.”

3. The grievance now expressed by the petitioner is that in

this case, though she has been promoted to the post of Deputy

Manager with effect from 14.07.2015, she has not been paid with entitlement and accordingly, she has submitted a representation in this regard, dated 12.04.2018, but the authority is yet to pass any order and hence, came forward to file this writ petition seeking for a direction to direct the respondents to grant her the arrears and pay allowance, pension and interest thereof at the rate of 18% per annum upon notional fixation.

4. Heard the submissions of the learned counsel appearing for the petitioner, so also, perused the materials on record.

5. During the course of hearing, the learned counsel appearing for the petitioner submits that though the petitioner has sought for the aforesaid relief. Since the authority has not considered the representation and prays for disposal of the same within a stipulated period, no useful purpose is going to be served by seeking for a counter affidavit from the respondents, inasmuch as, this writ petition can be disposed of at the stage of admission.

6. Hence, considering the limited prayer sought for by the petitioner, this Court without going into the merits of the petitioner's representation, dispose of this writ petition with a direction to the

respondents to consider and dispose of the representation of the petitioner dated 20.04.2018 on its own merit and in accordance with law by a speaking order, within a period of eight weeks from the date of receipt/production of this order, if there is no other legal impediment for the same and communicate such order to the writ petitioner. However it is made clear that this Court has expressed no opinion on the merit of the petitioner representation. No costs.

18.04.2018

Index: Yes/No

Internet: Yes/No

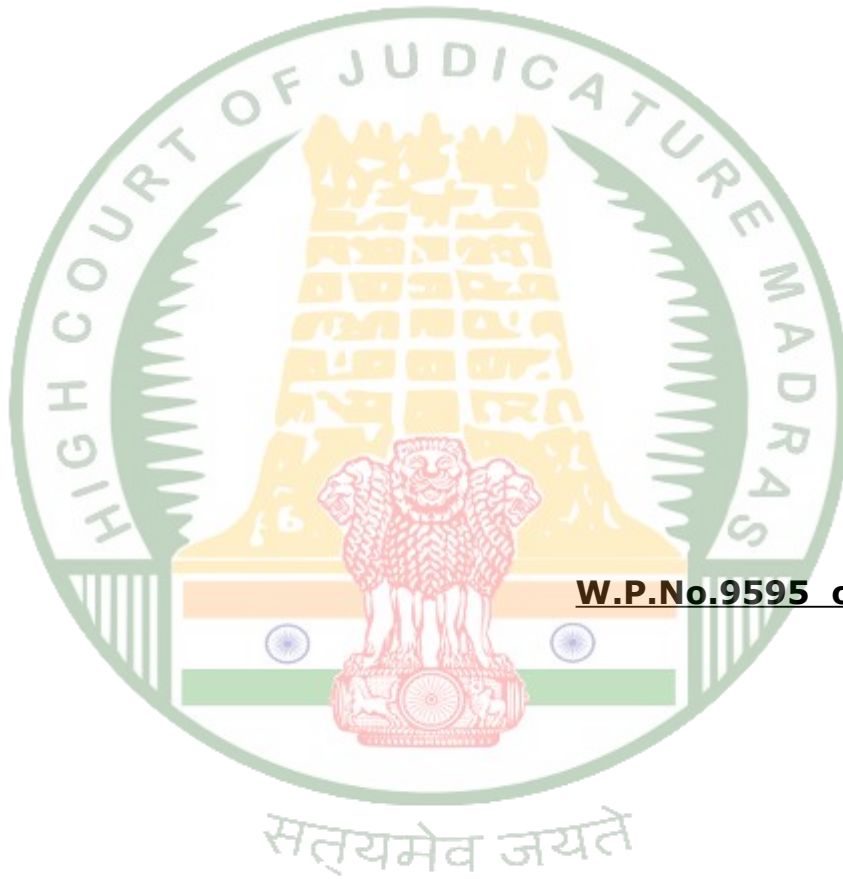
Speaking order/Non-speaking order

To

1. The Secretary to Government,
Tourism Culture and Religious Endowments Department,
Secretariat, Fort. St. George,
Chennai 600 090.
2. The Chairman and Managing Director,
Tamil Nadu Tourism Development Corporation Ltd.,
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SATRUGHANA PUJAHARI. J.,

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