

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6676 to 6679 of 2018

S.Sebastin Amalraj .. Petitioner in W.P.No.6676 of 2018
T.Balraj .. Petitioner in W.P.No.6677 of 2018
N.Pandian .. Petitioner in W.P.No.6678 of 2018
R.Boopathi .. Petitioner in W.P.No.6679 of 2018

-vs-

1. The State of Tamil Nadu represented
by Municipal Administration &
Water Supply Department
Fort St.George
Chennai 600 009
2. The Principal Secretary and Commissioner
Corporation of Chennai
Chennai 600 003
.. Respondents in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to (i) fix the time scale of pay from the date on which the petitioners initially appointed to the post under second respondent from 27.07.1995; 03.08.1995; 27.07.1995; 27.07.1995 respectively to the next day on which they completed 2 years of service as per proceedings of the second respondent dated 01.12.1997 and consequently to pay the difference amount of consolidated pay and time scale of pay and on that basis calculate the increments and other pensionary benefits; and to (ii) take the periods from 20.08.1987 to 26.07.1995; 25.08.1987 to 02.08.1995; 20.08.1987 to 26.07.1995; 20.08.1987 to 26.07.1995 respectively, which periods the petitioners were under compulsory wait for re-appointment for the purpose of calculating the pension.

For Petitioners :: Mr.V.R.Venkatesan
For Respondents :: Mr.V.Kadhirvelu
Special Government Pleader
for R1
Mr.R.Arunmozhi
Standing Counsel for R2

ORDER

The petitioners seek a common relief for issuance of a writ of mandamus directing the respondents to fix the time scale of pay from the respective date on which they were initially appointed under the second respondent and also to take the respective periods during which they were under compulsory wait for re-appointment, as prayed for in the writ petitions, for the purpose of calculating the pension.

2. Learned counsel for the petitioners submitted that all the petitioners were appointed through employment exchange as Junior Engineers in the Public Works Department. Mr.S.Sebastin Amalraj was appointed on 17.6.83 and he was working as Junior Engineer from the said date till 19.8.87. Similarly, the other petitioners also appointed through employment exchange worked till the said date. But for want of vacancies, they were retrenched from service. After repeated representations, G.O.Ms.No.766, Personnel and Administrative Reforms (P&RS) Department dated 11.8.87 was issued by the Government to absorb them. Since the Government themselves felt that for no fault of them the retrenched employees should not be made to suffer on the new policy of recruitment through the Tamil Nadu Public Service Commission, relaxing the rules relating to age and also relating to recruitment of candidates through the employment exchange in respect of ousted candidates from Public Works Department, they should be accommodated in the Public Sector Undertakings and Statutory Boards against the vacancies arising therein. On this basis, they were all appointed and subsequently, rendering pensionable service, retired from service. But their grievance is that the periods for which they were on compulsory wait were not taken into account. Hence, they have given representations and the same are pending for quite a long time. It is also the claim of the petitioners that when the petitioners and others were absorbed, the second respondent had appointed one set of retrenched employees as Assistant Engineers and Junior Engineers in the time scale of pay. On the other hand, the petitioners and others were appointed on consolidated pay. Therefore, the second respondent cannot apply a different yardstick against the persons similarly situated. Hence, their representation should be considered in the light of G.O.Ms.No.400, Personnel and Administrative Reforms (FRIII) Department dated 7.4.86 and G.O.Ms.No.766, Personnel and Administrative Reforms (P&RS) Department dated 11.8.87, he pleaded.

3. The learned Special Government Pleader for the first respondent and the learned standing counsel for the second respondent took notice.

4. This Court, considering the limited prayer, without going to the merits, hereby directs the respondents to consider the request of the petitioners, if the aforementioned Government Orders can be applied to their case, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Cs VIII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
Municipal Administration &
Water Supply Department
Fort St.George
Chennai 600 009
2. The Principal Secretary and Commissioner
Corporation of Chennai
Chennai 600 003

+4cc to Mr.M.Saravanakumar, Advocate Sr.No.22145
+1cc to M/s.R.Arunmozhi, Advocate Sr.No.22153
+1cc to Government Pleader Sr.No.22842

sm:9.4.2018

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