

IN THE HIGH COURT OF JUDICATURE AT MADRAS

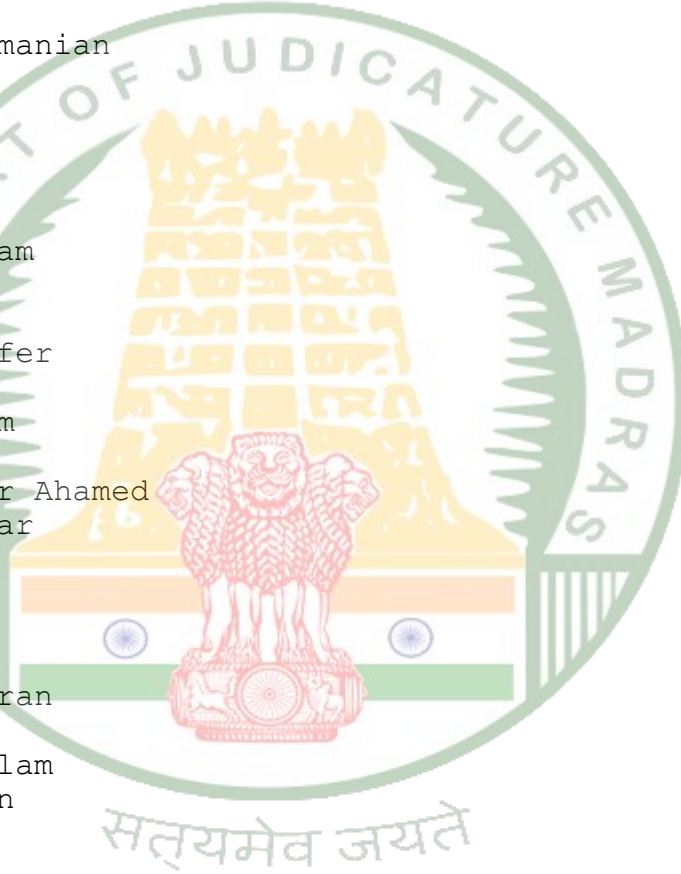
DATED 21.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

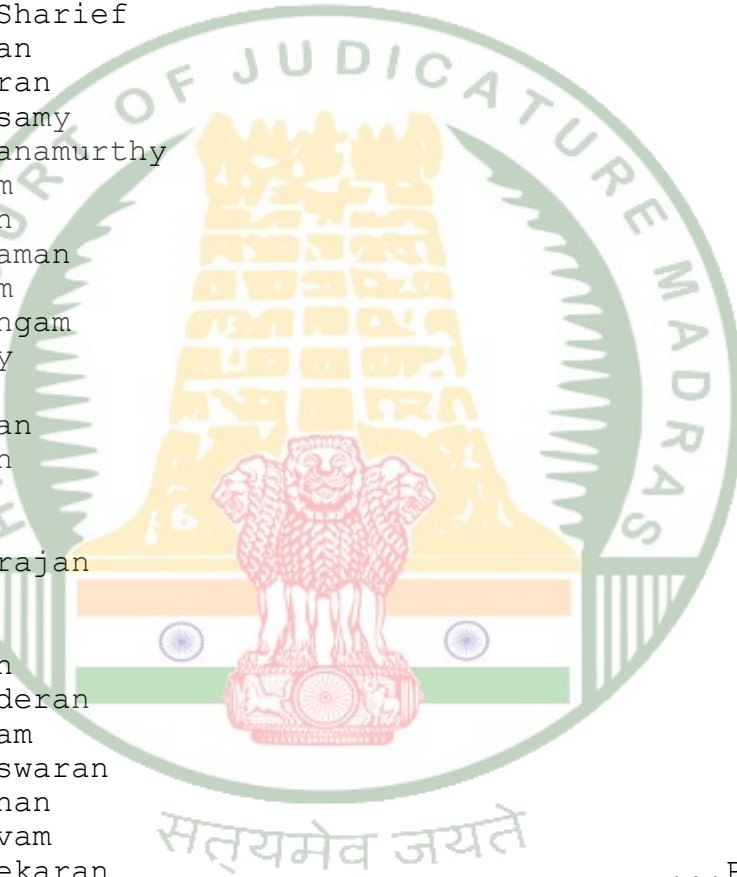
W.P.No.3872 of 2018

- 1.D.Vincent
2. A.Elangovan
3. V.Srinivasan
4. A.Rathinavelu
5. T.K.Balasubramanian
6. M.Padmanaban
7. R.Sangapillai
8. D.Natesan
9. V.Santhanam
- 10.S.Nallusamy
- 11.SP.Subramaniam
- 12.C.Marudhai
- 13.B.Khaleel
- 14.B.Mohamed Jaffer
- 15.T.Subramanian
- 16.P.Somasundaram
- 17.M.Karuppasamy
- 18.K.Syed Basheer Ahamed
- 19.V.Sampath Kumar
- 20.A.Ganesan
- 21.N.Jayakumar
- 22.C.Velappan
- 23.N.Ramanathan
- 24.R.Chandrasekaran
- 25.K.Krishnan
- 26.R.Bakthavachalam
- 27.R.Varatharajan
- 28.C.Kumaravel
- 29.G.Narasan
- 30.B.Prathap Shing
- 31.V.P.Ramasamy
- 32.R.Dhanakodi
- 33.A.Muthumani
- 34.R.Sivalingam
- 35.V.Perumal
- 36.M.Periyannan
- 37.M.Ramasamy
- 38.K.Elavarasan
- 39.U.Periyasamy
- 40.P.V.Natesan
- 41.M.Mariyappan



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42.D.Sidharaj
43.H.M.Manickam
44.M.Ameer John
45.R.Murugan
46.M.Vedapuri
47.P.Subramanian
48.A.K.Shanmugam
49.A.Jayabalan
50.K.Suntharavadivelu
51.D.Renganathan
52.D.Kamalakannan
53.P.Perumal
54.R.Munavar Sharief
55.P.Rajenderan
56.K.Rajasekaran
57.M.Narayanasamy
58.R.A.Dhatchanamurthy
59.M.Shanmugam
60.R.Jayaraman
61.K.Venkataraman
62.A.Shanmugam
63.K.Karthalingam
64.V.Kannusamy
65.S.Prakasam
66.S.Venkatesan
67.K.Anbalagan
68.R.Pandu
69.Moorthy
70.P.Soundararajan
71.T.Mohan
72.M.Ramasamy
73.D.Sukumaran
74.M.Ramachanderan
75.G.Pungavanam
76.G.Vengateeswaran
77.M.Amaranathan
78.P.Paramasivam
79.K.Chandrasekaran



...Petitioners

Versus

1. The Government of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai-9.
- 2.The Government of Tami Nadu rep. by
The Additional Chief Secretary to Government,
Finance Department, Fort St. George,
Chennai-9.

3.The Director General,
Highways Department,
HRS Campus,
76, Sardar Patel Road,
Guindy, Chennai-25.

4. Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-18.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to issue a G.O. in favour of the petitioners herein in terms of G.O.Ms.No.250 dated 21.3.1994 issued by the Department of Finance and consequently, direct the 3rd respondent to refix the pay of the petitioners herein in terms of the same and other precedents of fixation made in analogous cases mentioned any pay the arrears of pay and allowances, pension, DCRG, Commutation of Pension, Surrender Leave Salary etc. with costs and interest thereon at 18% p.a. from the day the amount became due.

For Petitioner : Ms.C.S.Monica

For Respondents : Mr.V.Jayaprakash Narayanan,
1 to 3 Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to issue a G.O. in favour of the petitioners herein in terms of G.O.Ms.No.250 dated 21.3.1994 issued by the Department of Finance and consequently, direct the 3rd respondent to refix the pay of the petitioners herein in terms of the same and other precedents of fixation made in analogous cases mentioned any pay the arrears of pay and allowances, pension, DCRG, Commutation of Pension, Surrender Leave Salary etc. with costs and interest thereon at 18% p.a. from the day the amount became due.

2. Learned Counsel for the petitioners submitted that the petitioners are all retired employees of the Highways Department who retired from service from the post of Road Inspectors. According to them, the Government issued G.O.(Ms.)No.250, Finance (CMFC) Department dated 21.3.1994 only in respect of Work Inspectors working in the Public Works Department wherein

protection of pay was accorded to them. But, the petitioners herein who were working as Road Inspectors in Highways Department were not given such pay protection in spite of the fact that they were always considered on par with the Work Inspectors of PWD wherein the scale of pay, nature of work, rules governing their service conditions were always equal and various Government Orders have been issued by the Government of Tamil Nadu would prove the said fact. Therefore, the present Writ Petition has been filed.

3. Heard the learned Special Government Pleader, who takes notice for the respondents 1 to 3.

4. At the outset, when the petitioners herein were retired from service almost 18 to 20 years ago from the Highways Department as Road Inspectors and they continuously slept over the matter for the past 18 to 20 long years and only making a comparison with the Work Inspector in the Public Works Department, they have now filed the present Writ Petition to issue a direction for passing a similar Government Order like G.O.Ms. No.250, Finance (CMFC) Department dated 21.3.1994 issued by the Department of Finance with a consequential direction to refix their pay. It is not known how such a prayer can be made with such a huge delay when the petitioners are all retired employees. When they were all in service, during that period, they should have asked for pay protection as per the said Government Order issued in G.O.(Ms.)No.250, Finance (CMFC) Department dated 21.3.1994 then and there. But without doing so from 1994, the petitioners cannot come to this Court with this writ Petition at this stage. Therefore, the writ petition is liable to be dismissed.

5. In the result, the Writ Petition is dismissed. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS VII)

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Sub Assistant Registrar

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To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Chennai-9.

2. The Additional Chief Secretary to Government,
Government of Tami Nadu,
Finance Department, Fort St. George,
Chennai-9.

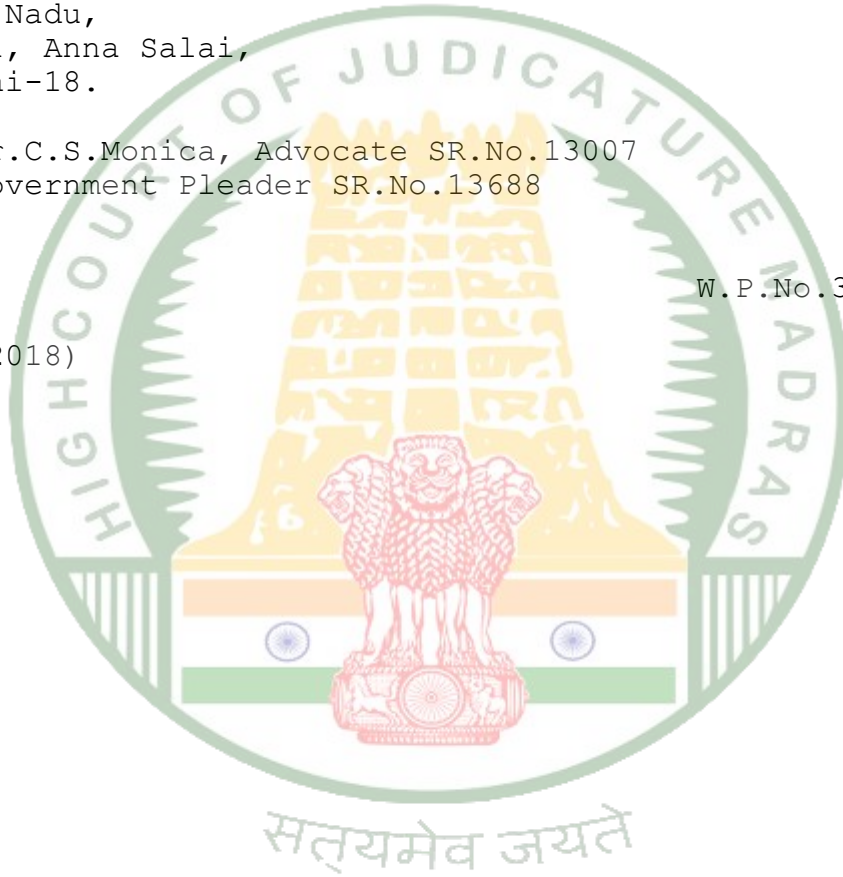
3.The Director General,
Highways Department,
HRS Campus,
76, Sardar Patel Road,
Guindy, Chennai-25.

4. The Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-18.

+1cc to Mr.C.S.Monica, Advocate SR.No.13007
+1cc to Government Pleader SR.No.13688

W.P.No.3872 of 2018

SSV(CO)
GN(14/03/2018)



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