

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.9.2018

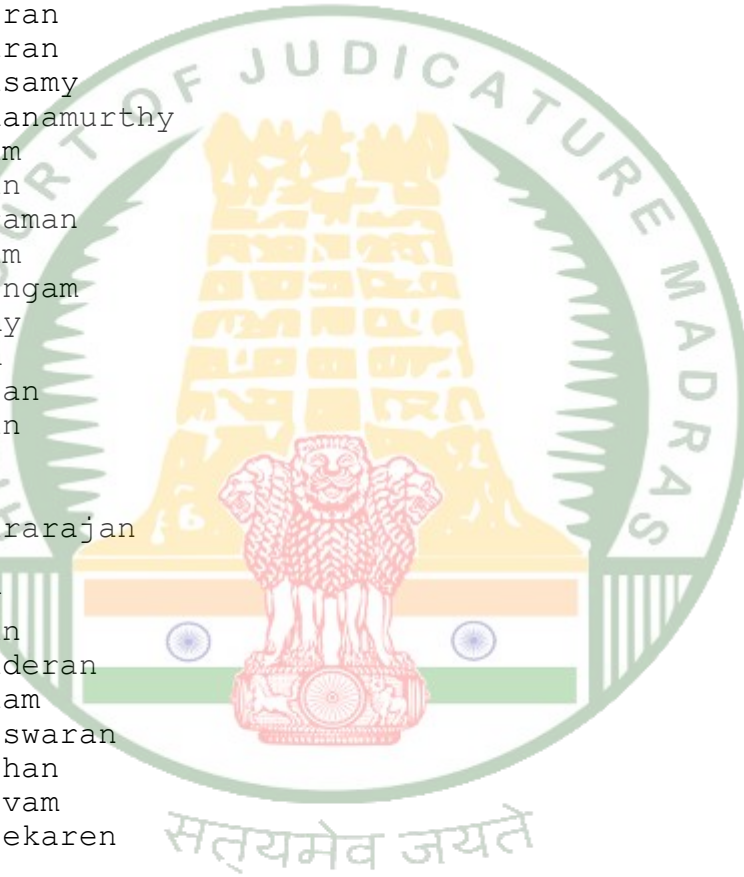
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2035 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
- 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.Sounundararajan
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.Chandrasekaren



Appellants

Versus

- 1 The Government of Tamilnadu
rep by the Additional Chief Secretary to
Government
Highways & Minor Ports Department
Fort st. George Chennai-9
- 2 The Government of Tamilnadu
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-600 025
- 4 Accountant General (A&E)
 Tamil Nadu
 No.361 Anna Salai Chennai-600 018

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 21.2.2018 passed in W.P.No.3872 of 2018 on the file of this court.

Prayer in WP.No.3872/2018:Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the second respondent to issue a G.O. in favour of the petitioners herein as that of in terms of G.O. Ms.No.250 dated 21.03.1994 issued by the Department of Finance and consequently direct the third respondent to re-fix the pay of the petitioners herein in terms of the same and other precedents of fixation made in analogous cases mentioned and pay the arrears of pay and allowances pension DCRG commutation of pension surrender leave salary etc. with costs and interest thereon at 18% per annum from the day the amount became due.

For appellants : Ms.C.S.Monica
For RR1 to 3 : Mr.P.S.Sivashanmugasundaram,
 Special Government Pleader
For R4 : Mr.V.Vijayashankar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel for the fourth respondent, who take notice on behalf of their respective parties.

2. The petitioners/appellants, who are retired Road Inspectors of Highways Department, filed the writ petition for a direction to the second respondent to issue a Government Order granting the benefit of pay protection as provided to the Work Inspectors of Public Works Department vide G.O.Ms.No.250 Finance (CMFC) Department dated 21.3.1994 by contending that they are similarly placed.

3. The learned Single Judge, observing that the petitioners had retired from the Highways Department about 20 years ago and having slept for more than two decades, they are now seeking pay parity in the fixation alongwith the employees of Public Works Department.

4. The learned Government Pleader, having taken notice for the respondents, submitted that the G.O., which was issued in respect of Work Inspectors of Public Works Department cannot be made applicable to the petitioners rather they could have demanded for the same in, but, having slept over all the years, now they are demanding for the fixation of payscale and pay arrears on the enhanced payscale.

5. At the relevant point of time, these petitioners did not wake up to seek the pay protection on par with the Work inspectors of Public Works Department and only after lapse of all these years they seek the benefit of the said G.O. of the year 1994 which was given effect only in the year 2011. Therefore, the appellants/writ petitioners fail on the ground of delay and laches on their part. Hence, the writ appeal is devoid of merits and accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Additional Chief Secretary to
Government
Highways & Minor Ports Department
Fort st. George Chennai-9
- 2 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-600 025
- 4 Accountant General (A&E)
Tamil Nadu
No.361 Anna Salai Chennai-600 018

+1cc to M/s.M.Manimaran, Advocate SR.NO.65290

+1cc to Government Pleader SR.NO.65837

RSK(CO)

sm:31.10.2018

W.A.No.2035 of 2018