

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.9.2018

CORAM

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

W.A.No.2027 of 2018
and
C.M.P.No.15980 of 2018

- 1 THE STATE OF TAMILNADU
REP.BY ITS SECRETARY
HIGHWAYS DEPARTMENT
FORT ST. GEORGE CHENNAI-600 009
- 2 THE DEPUTY SECRETARY
HIGHWAYS AND MINOR PORT DEPARTMENT
GOVERNMENT OF TAMILNADU
FORT ST. GEORGE CHENNAI-600 009
- 3 THE PRINCIPAL DIRECTOR
ACCOUNTS DIVISION
HIGHWAYS DEPARTMENT
CHENNAI-600 108
- 4 THE SUPERINTENDING ENGINEER
HIGHWAYS DEPARTMENT TIRUNELVELI
- 5 THE DIVISIONAL ENGINEER
HIGHWAYS DEPARTMENT
TUTICORIN DIST.

Appellants

Versus

D.SAMRAJ

Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 22.7.2015 passed in W.P.No.5030 of 2014 on the file of this court.

W.P.No.5030 of 2014:

Writ Petition filed under Article 226 of the constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent passed in his proceedings No. 3065/ HR-1/ 2011 dated 7.1.2013 and the subsequent rejection order passed in his letter No. 7707/HR-1 / 2013 dated 12.9.2013 and quash the same and direct the

respondent 1 and 2 to step up the pay of the petitioner on par with his junior D.Johnson as on 1.10.1995 and Pay Arrears of Salary Retirement Benefit and Revision of Pension based on stepping up of pay.

For appellants : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

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

Heard the learned Special Government Pleader appearing for the appellants for some time.

2. This writ appeal is filed by the State challenging the order passed by the learned Single Judge in directing the second appellant to invite necessary clarification from the third appellant and after issuing show cause notice to the writ petitioner, pass a speaking order on merits and in accordance with law within a period of eight weeks.

3. The grievance of the writ petitioner appears to be that his junior D.Johnson, who joined as Assistant, after two years and five months, after the writ petitioner's joining duty has been given higher pay despite the fact that the said junior had no additional qualification. Since the representations submitted by the writ petitioner did not yield a favourable result, he had moved the writ petition.

4. The learned Single Judge, on appreciating the factual aspects and having found that the representations submitted by the writ petitioner ended in non-speaking order, however, a detailed counter had been filed by the State to the effect that the writ petitioner does not fulfil the conditions laid down under Sub Rule 2 under FR 22(b), has rightly directed the second appellant to pass a speaking order after inviting necessary clarification from the third appellant and also issuing show cause notice to the writ petitioner.

5. We do not find any illegality or infirmity in the order passed by the learned Single Judge. It is for the appellants to comply with the order passed by the learned Single Judge within another two months from the date of receipt of a copy of this judgment. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssk.

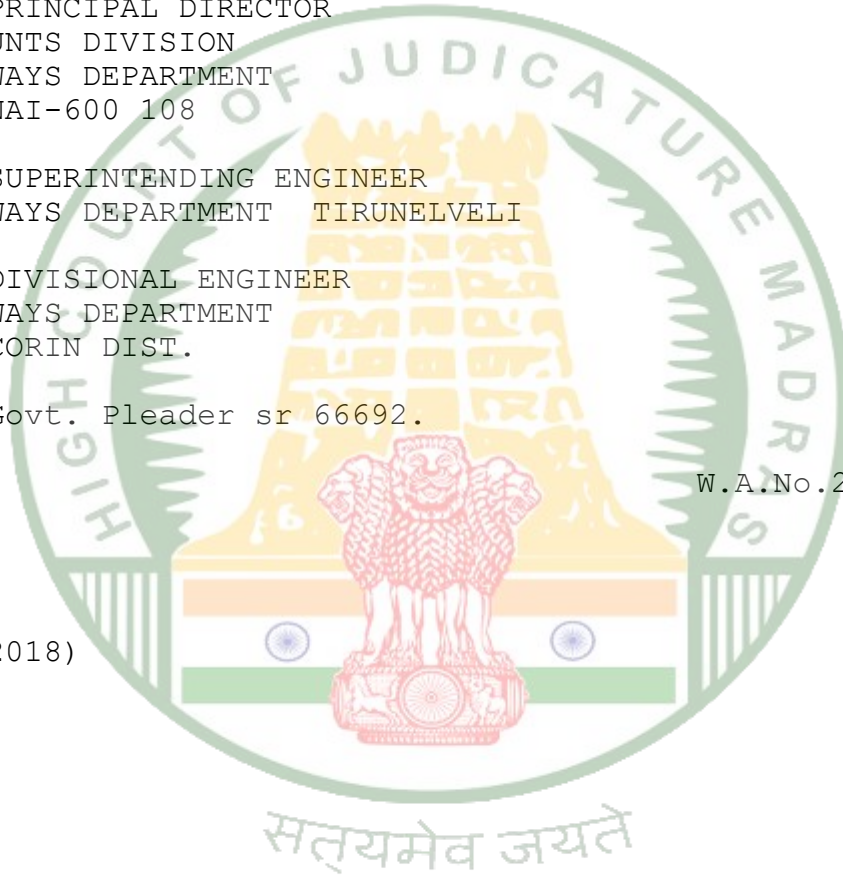
To:

- 1 THE SECRETARY
HIGHWAYS DEPARTMENT
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RSV(CO)
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