

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.33997 of 2017

K.Barathy

...Petitioner

Versus

1. The Principal,
Government College of Architecture and
Sculpture, Mamallapuram-603 104,
Kancheepuram District.
 2. The Commissioner,
Director of Arts and Culture Department,
Tamil Development Department Building,
2nd Floor, Tamil Salai, Egmore,
Chennai-8.
 3. The Secretary to Government Tourism,
Culture and Religious Endowments Department,
Fort St. George, Chennai-9.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix the basic pay of the petitioner in the category of Typist at Rs.5960/- as on 07.09.2009 as per G.O.Ms.No.340, Finance Department dated 26.08.2010 and the enhanced rate of Special Pay at the rate of Rs.160/- w.e.f. 01.04.2013 onwards as per G.O.Ms.No.238, Finance (Pay Cell) Department dated 22.07.2013 and to disburse the arrears of pay and allowances forthwith along with interest for the belated payment, within a time stipulated by this Court.

For Petitioner : Mr.R.Baskaradoss
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to fix the basic pay of the petitioner in the category of Typist at Rs.5960/- as on 07.09.2009 as per G.O.Ms.No.340, Finance Department dated 26.08.2010 and the enhanced rate of Special Pay at the rate of Rs.160/- w.e.f. 01.04.2013 onwards as per G.O.Ms.No.238, Finance (Pay Cell) Department dated 22.07.2013 and to disburse the arrears of pay and allowances forthwith along with interest for the belated payment, within a time stipulated by this Court.

2. The case of the petitioner is that he has passed B.A. History in the University of Madras in the year 2003 and also passed the technical qualification of Typewriting English and Tamil both higher grade and Computer Office Automation conducted by the Director of Technical Education. Thereafter, he was selected by the Tamil Nadu Public Service Commission by direct recruitment to the post of Typist in the Tamil Nadu Ministerial Service and allotted to Arts and Culture Department on 10.07.2009 and initially, he was appointed as Typist in Government Fine Arts College, Kumbakonam by the proceedings of the 2nd respondent dated 21.07.2009 and the petitioner joined duty on

7.9.2009. Subsequently, he was transferred to Government College of Architecture and Sculpture, Mamallapuram w.e.f. 27.08.2015. Since his appointment is a regular one and his services are governed by the Tamil Nadu Ministerial Service Rules, his services have been regularised w.e.f. 07.09.2009 F.N. vide proceedings dated 26.09.2011 by the 2nd respondent and his probation was also declared satisfactory as on 6.9.2001 A.N. as per the proceedings of the Deputy Director of Arts and Culture, Chennai. But the grievance of the petitioner is that his pay has not been so far fixed with reference to G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010 so far. Likewise, his Special Pay has also been not fixed with reference to G.O.Ms.No.238, Finance (Pay Cell) Department, dated 22.07.2013, though several representations have been made by him. Therefore, the petitioner has filed the present Writ Petition.

3. Learned Counsel for the petitioner submitted that for similarly placed persons like that of the petitioner, the benefit of G.O.Ms.No.340 Finance (Pay Cell) Department, dated 26.08.2010 and G.O.Ms.No.238, Finance (Pay Cell) Department, dated 22.07.2013 have been given. So, a direction may be issued to the respondents to revise the pay and special pay of the petitioner as per the above said Government Orders.

4. Mr.V.Jayaprakash Narayanan, who takes notice on behalf

of the respondents sought for eight weeks time to consider the case of the petitioner.

5. Considering the facts and circumstances of the matter and also placing on record the submission of the learned Special Government Pleader for the respondents, the respondents are hereby directed to consider the case of the petitioner on merits and in accordance with law for granting the benefit of G.O.Ms.No.340 Finance (Pay Cell) Department, dated 26.08.2010 and G.O.Ms.No.238, Finance (Pay Cell) Department, dated 22.07.2013, within a period of eight weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

03.01.2018

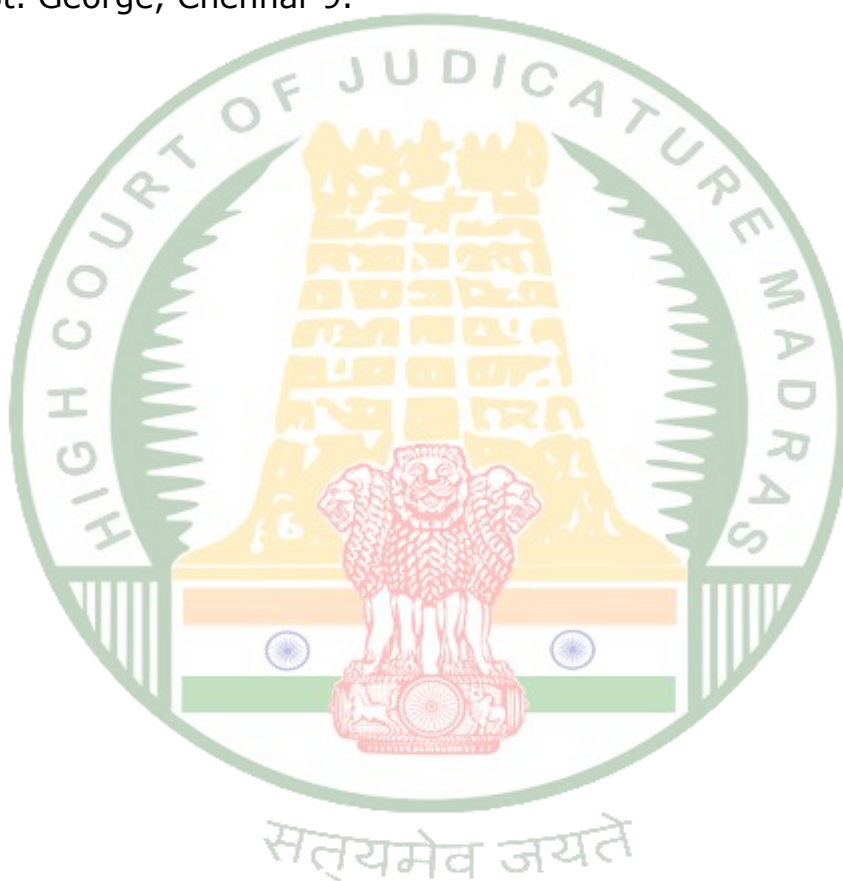
Index:Yes/No
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To

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WEB COPY

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