

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.30642 of 2016

M.Mohan

.. Petitioner

Vs

1.The Principal Secretary and
Secretary to Government,
Revenue Department,
Fort St. George, Chennai.

2.The Principal Secretary and
Secretary to Government,
P&AR Department,
Fort St. George, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to consider and pass orders on the representations dated 11.05.2010, 03.02.2011, 22.03.2012 and 11.04.2016 seeking fixation of pay at the same stage at which pay was drawn during the police service prior to appointment in revenue department through Tamil Nadu Public Service Commission.

For petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mrs.P.Rajalakshmi, AGP
Additional Government Pleader

सत्यमेव जयते
ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus directing the second respondent to consider and pass orders on his representations dated 11.05.2010, 03.02.2011, 22.03.2012 and 11.04.2016 seeking fixation of pay on par with his last drawn pay during the police service prior to his appointment in Revenue Department through Tamil Nadu Public Service Commission.

2. The petitioner was earlier appointed as Grade-II Police Constable on 09.06.1993 and thereafter, upon rendering 17 years of service, he was again selected as Assistant through Tamil Nadu Public Service Commission on 11.01.2010. However,

since his pay in the post of Assistant is not on par with his pay in the post of Grade-II Police Constable, he has made representations dated 11.05.2010, 03.02.2011, 22.03.2012 and 11.04.2016, seeking to refix his pay, but, all his representations have not been considered. Thus, the present writ petition with a prayer cited supra.

3. Learned counsel for the petitioner submitted that while the petitioner was serving as Grade-II Police Constable from 09.06.1993, he has applied for the post of Assistant conducted by the TNPSC and he was also selected and appointed for the said post on 11.01.2010 in the Revenue Department. Hence, it is submitted, his pay has to be fixed on par with his last drawn pay in the post of Grade II Police Constable.

4. Learned counsel for the petitioner has also relied on the Government Order in G.O.Ms.No.85, Personnel & Administrative Reforms (FR.I) Department, dated 20.02.1990, to substantiate his prayer requesting to refix his salary on par with his last drawn pay in the post of Grade-II Police Constable. For better appreciation of the case on hand, relevant portion of the said G.O. is extracted below:-

"2. The Government after a detailed examination have decided to extend the relaxation in the G.O. read above to those who were members of Tamil Nadu Ministerial Service and have been selected and appointed to Tamil Nadu Ministerial Service in the same category they held earlier viz., Typists/Personnel Clerks/Junior Assistants through the Tamil Nadu Public Service Commission recruitment for the years 1983 and 1986. The Government, therefore, direct that the pay of such of those who held the post of Typists/Personnel Clerks/Junior Assistants of Tamil Nadu Ministerial Service and have been selected and appointed to the same category through the recruitments to Tamil Nadu Public Service Commission during the years 1983 and 1986 shall be the pay last drawn them in the same post prior to their appointment."

A mere reading of the above said G.O. shows that the pay of those persons, who held the post post of Typist/Personnel Clerks/Junior Assistants of Tamil Nadu Ministerial Service and who have been selected and appointed to the same category through the recruitment by Tamil Nadu Public Service Commission during the years 1983 and 1986 alone, has been protected. Therefore, the petitioner, who was initially appointed as Grade-II Police Constable, that too in the year 1993, by relying upon the said G.O.Ms.No.85, dated 20.02.1990, cannot seek a direction

to the respondents to fix his pay on par with his last drawn pay in the post of Grade-II Police Constable, as, admittedly, the last drawn pay can be fixed only to those persons, who was serving in the post of Typist/Personnel Clerks/Junior Assistants of Tamil Nadu Ministerial Service, that too in the years 1983 and 1986.

5. Thus, on this count, this Court is not inclined to entertain the prayer of the petitioner and accordingly, the writ petition stands dismissed as devoid of any merit. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary and
Secretary to Government,
Revenue Department,
Fort St. George, Chennai.

2.The Principal Secretary and
Secretary to Government,
P&AR Department,
Fort St. George, Chennai.

+1cc to Mr.N.A.Nissar Ahmed, Advocate sr.no.80152
+1cc to Government Pleader sr.no.80931

W.P.No.30642 of 2016

cnr(co)
nr 18/12/2018

सत्यमेव जयते

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