

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.12374 of 2018

K.Srimathi

... Petitioner

vs.

1.The Registrar General,
High Court of Judicature at Madras,
Chennai-104.

2.The Chief Metropolitan Magistrate,
Allikulam Complex,
Moore Market,
Chennai-03

3.The Accountant General,
Teynampet,
Chennai-18

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the respondents 2 and 3 to extend the benefit of G.O.291 dated 26.08.2010 to the petitioner and to grant the Revision of Scale of pay and grade pay by considering the Representation of the Petitioner dated 04.11.2017 within reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr.S.Thangavel for R1
Mr.Vijay Sankar for R2 and R3

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioner, the Learned Counsel for the First Respondent and the Learned Counsel for the Respondents 2 and 3.

2.The Petitioner has focused the present Writ Petition seeking for passing of an Order by this Court in directing the Respondents 2 and 3 to extend the benefit of G.O.Ms.No.291, Finance (Pay Cell) Department, dated 26.08.2010, in her favour and to grant the Revision of Scale of Pay and Grade Pay, by considering her Representation dated 04.11.2017, within a reasonable time to be determined by this Court.

3.No counter is filed on behalf of the Respondents.

4.The Petitioner entered into service as 'Reader' on 19.08.1998 in the Tamil Nadu Judicial Ministerial Services and promoted as Junior Assistant in the year 2006 and she was further promoted by means of her merit and seniority as 'Interpreter' on 10.04.2013. She is serving in the III Metropolitan Magistrate's Court, George Town, Chennai and there is no adverse remarks so far.

5.The version of the Petitioner is that the Tamil Nadu Government had constituted an Official Committee to examine and make necessary Recommendations for the Revision of Scales of Pay and Allowances of State Government Employees, based on the decision of the Central Government on the Recommendations of the VI Central Pay Commission. The Official Committee had submitted its Report on 27.05.2009 and the Government, after careful examination, took a decision and issued a Government Order, vide G.O.No.234, dated 01.06.2009. Numerous Representations and Petitions were received from various persons, Heads of Departments and Associations stating that there is an anomaly while implementing the Recommendations of the Official Committee in respect of Revision of Scales of Pay of certain categories. Therefore, the Government had constituted a One Man Commission to examine the anomalies, if any, and after careful examination, the Government had accepted the Recommendations made by the One Man Commission and issued a Government Order in G.O.Ms.No.291, Finance (Pay Cell) Department, dated 26.08.2010, in respect of certain categories of Judicial Department.

6.It comes to be known that the Scales of Pay in respect of the following posts have been revised as under:-

Sl.No.	Name of the Posts	Existing Scale of pay + Grade Pay	Revised Scale of Pay + Grade Pay
1.	Private Secretary	9300-34800+4700	15600-39100+5400

Sl.No.	Name of the Posts	Existing Scale of pay + Grade Pay	Revised Scale of Pay + Grade Pay
2.	Interpreters	9300-34800+4700	15600-39100+5400
3.	Overseer	9300-34800+4400	9300=34800+4600

7.At this stage, the Learned Counsel for the Petitioner submits that the Government had implemented the One Man Commission's Recommendations and determined the Scales of Pay, as per the Recommendations. In so far as the Judicial Department is concerned, the Government had issued the Order vide G.O.Ms.No.291 Finance (Pay Cell) Department, dated 26.8.2010 and that the Respondents had not chosen to extend the benefit to and in favour of the Petitioner till date. Therefore, the Petitioner had approached the Department and made a request to extend the benefit of the ingredients of G.O.Ms.No.291, Finance (Pay Cell Department), dated 26.8.2010 and fix the Scale of Pay in terms of the said G.O and the same had ended in vain.

8.It transpires that the Petitioner, as per Proceedings of the Second Respondent in R.O.C.No.27/2013 A, dated 09.04.2013 was promoted as Interpreter, XVII Metropolitan Magistrate's Court, Saidapet, Chennai, from her designation as Bench Clerk Grade II, Court of Small Causes, Chennai. Also it is brought to the notice of this Court on behalf of the Petitioner that a Representation was made by the Petitioner to the Second Respondent/Chief Metropolitan Magistrate, Allikulam Complex, Moore Market, Chennai-03, through the Learned III Metropolitan Magistrate, George Town Chennai, whereby and whereunder, a request was made to fix her Pay in the post of Interpreter in the Scale of Pay of Rs.15,600-39,100/- +5400/- with effect from 10.04.2013. The said Representation is still pending and the same is not yet disposed of.

9.The primordial grievance of the Petitioner is that her Representation dated 04.11.2017 is to be considered by the Second Respondent as per G.O.Ms.No.291, Finance (Pay Cell) Department, dated 26.08.2010, so that she can avail the benefits showered upon by the State Government Order etc. The request of the Petitioner in this regard, in the considered opinion of this Court, is well founded. Hence, this Court deems it fit and proper in directing the Second Respondent/Chief Metropolitan Magistrate, Allikulam Complex, Moore Market, Chennai-03, to look into the Representation of the Petitioner, dated 04.11.2017, with all seriousness and earnestness and to pass appropriate

orders in a fair, free, just and dispassionate manner within a period of three weeks from the date of receipt of copy of this order. It is open to the Second Respondent to provide an opportunity of hearing to the Petitioner, if she so desires/situation so warrants and the Petitioner can avail the same.

With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

msk

To

- 1.The Registrar General,
High Court of Judicature at Madras,
Chennai-104.
- 2.The Chief Metropolitan Magistrate,
Allikulam Complex,
Moore Market,
Chennai-03
- 3.The Accountant General,
Teynampet,
Chennai-18

+1cc to Mr.S.SIVAKUMAR, Advocate, S.R.No. 34634

W.P.No.12374 of 2018

SS (CO)
TR(05/06/2018)

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