

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2709 of 2018

B.Soodanath .. Petitioner

-vs-

1. State of Tamil Nadu
represented by its Secretary to Government
Finance Department
Fort St.George
Chennai 600 009
2. State of Tamil Nadu
represented by its Secretary to Government
Handicraft, Handloom, Textile & Khadi Department
Fort St.George
Chennai 600 009
3. The Assistant Director
Department of Sericulture
Asthampatti
Salem .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation of the members of the petitioner association dated 04.12.2017 and consequently direct the respondents to pay hill allowance to the petitioner working in hill areas of Thenkanikottai in accordance with G.O.Ms.No.303 dated 11.10.2017 and G.O.Ms.No.306 dated 13.10.2017.

For Petitioner :: Mrs.Dakshayani Reddy for
M/s Mukund R.Pandiyan

For Respondents:: Mr.R.Prathap Singh
Government Advocate

ORDER

The petitioner, who is working in the hilly region of Denkanikottai, has not been provided with the hill allowance. Learned counsel for the petitioner submitted that after the petitioner was engaged as a daily worker in the Sericulture farms of the Sericulture Department in the hill area of Hosur,

namely, Denkanikottai, considering the long service rendered by him, as per G.O.Ms.No.25, Handloom, Handicraft, Textile & Khadi Department dated 23.2.2010, special pay scale of pay of Rs.2500-5000+GP 500 were granted. Subsequently, the Assistant Director, Department of Sericulture, Hasthampatty, Salem, the third respondent herein also increased the hill allowance to Rs.20/- in his proceeding dated 26.12.90 in ROC No.E5/7589/90. Again one another G.O.Ms.No.236, Finance (PC) Department dated 1.6.2009 was issued fixing the hill allowance at 20% of pay subject to a maximum of Rs.900/- per month. After five years therefrom, yet another G.O.No.47, Finance (Allowances) Department dated 20.2.2014 was issued increasing the upper limit of hill allowance to Rs.1500/- per month. Recently the Government also issued another G.O.Ms.No.306, Finance (Pay Cell) Department dated 13.10.2017 fixing the upper limit of hill allowance to Rs.6000/- per month from 1.10.2017. While the Government Orders are all specifically issued for payment of the hill allowance, the petitioner has not been paid with the same. Therefore, a representation has been given, which is also kept in cold storage. Hence, a direction be issued to consider the representation, in the light of G.O.Ms.No.306, Finance (Pay Cell) Department dated 13.10.2017, she pleaded.

2. The learned Government Advocate for the respondents submitted that the petitioner has given his representation only to the Assistant Director, Department of Sericulture, Hasthampatty, Salem without mentioning whether it is hill allowance or other allowance. Now the representation received by the third respondent has been forwarded to the second respondent seeking some clarification and within a short period, the same would also be considered.

3. Recording the statement made by the learned Government Advocate for the respondents, the second respondent is hereby directed to consider the representation forwarded by the third respondent seeking clarification and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Finance Department
Fort St.George
Chennai 600 009
2. The Secretary to Government
Handicraft, Handloom, Textile & Khadi Department
Fort St.George
Chennai 600 009
3. The Assistant Director
Department of Sericulture
Asthampatti
Salem

+lcc to Mr.Mukund R.Pandiyar, Advocate Sr.No.12292

SV(CO)
sm:2.3.2018

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