

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.28091 of 2017

V.Nallasenapathy

... Petitioner

-Vs-

1. The Registrar General,
High Court, Madras-104.

2. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Home (Court-IA) Department,
Fort St. George, Chennai-9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix the scale of pay at Rs.51550-1230-58930-1380-63070 for the post of Official Assignee on par with that of the District Judge (Entry Level) from the date of promotion of the petitioner as Official Assignee.

For Petitioner: Mr.Doraisami, Senior Counsel
For Mr.Muthumani Doraisami

For Respondents : Mr.M.Santhana Raman
For R1

सत्यमेव जयते
Mr.M.Sricharan Rengarajan,
AGP for R2

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

This writ petition has been filed seeking direction to the respondents to fix the scale of pay at Rs.51550-1230-58930-1380-63070 for the post of Official Assignee on par with that of District Judge (Entry Level) from the date of promotion of the petitioner as Official Assignee.

2. Petitioner, who initially was appointed as Special Accountant in the Madras High Court Official Assignee Service on

22.01.1993, eventually came to hold the post of the Official Assignee between 01.02.2013 and 22.06.2016, up to the date of his retirement on 22.06.2016. Submitting that the post of Official Assignee of High Court Madras was merged with Madras High Court Service Rule vide ROC.No.9404/92/C1 dated 14.06.1997 and the posts of Registrar and Official Assignee are posts at par after such merger and further the post of Official Assignee was included in Category-I in the High Court Service Rules along with Registrar, Additional Registrars, that his office entails quasi-judicial functions and that his last drawn pay was fixed in the scale 15,000-400-18,600, whereas his scale of pay ought to have been fixed on par with District Judge (Entry Level) viz., Rs.51,550-1230-58,930-1380-63070. Petitioner made a representation to the first respondent on 10.02.2014, which petitioner informs, has not received favourable consideration.

3. Heard Mr.S.Doraisami, learned Senior Counsel appearing for petitioner, learned counsel for first respondent as also learned Additional Government Pleader for second respondent.

4. Learned senior counsel appearing for petitioner placed reliance on decision of this Court in WP.No.1534 of 2007 dated 15.06.2010 as also the revision of scale of pay, Madras High court Rules in ROC.No.1915-A/97-G2 dated 25.06.1998 to submit that the scale of pay envisaged for District Judge(Entry Level), Additional Registrars and the Chief Editor, Tamil Law Journal as also the Official Assignee, the post petitioner held, was placed at 15000-400-18600. Learned Senior counsel relied on G.O.Ms.No.1351/Home (Courts.IA) Department dated 18.12.2003 to submit that persons similarly placed had been granted the benefit sought by him and accordingly petitioner also ought to be granted relief.

5. Learned counsel for first respondent pointed out that the office of Official Assignee inter alia involved both Administrative and Judicial functions and the representation of the petitioner dated 10.02.2014 along with enclosures had been submitted for necessary orders of Government and further in communication dated 16.02.2017 in ROC.No.253/2014/RG/B2, first respondent had requested that necessary orders of Government may be obtained and communicated to the Registrar since the matter was pending for a long time.

6. Mr.M.Santhana Raman, learned counsel for first respondent has placed before us letter No.75904/Cts-I/2017-4 dated 11.01.2018 which informs the rejection of the request of the petitioner. Though in judgment in WP No.1534 of 2007 dated 15.06.2010 some distinction was sought to be drawn between Official Assignees of Madras High Court drawn from the Judicial Services and those who were not from such service, we are of the

view that such consideration does not stand in the way of this Court coming to the aid of the petitioner. We say so since revisional scale of pay informed in ROC. No.1915-A/97-G2 makes clear that District Judge (Entry Level) as also Official Assignee stand on the same footing and are entitled to parity of pay. Accordingly, the petitioner is eligible to scale of pay as applicable to District Judge (Entry Level) i.e., 51,550-1230-58,930-1380-63070.

7. Hence, we direct the second respondent to fix the scale of pay of the petitioner at 51,550-1230-58,930-1380-63070 from the date of his appointment as Official Assignee to the date of his retirement and issue appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ petition is ordered accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

kmi

To:

- 1.The Registrar General,
High Court, Madras-104.
- 2.The Secretary to Government,
Home (Court-IA) Department,
Fort St. George, Chennai-9.

+1 CC to Mr. Muthumani Doraisamy, Advocate sr 14366.
+1 CC to The Govt. Pleader sr 14804.

WEB COPY

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GP(CO)
SP(10/04/2018)