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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.02.2018**
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.961 of 2018

N.Chandrasekaran ... Petitioner

-Vs-

1. The State represented through its
   Principal Secretary,
   Social Welfare & Nutritious Programme Department,
   Secretariat, Chennai – 600 009.

2. The Commissioner of Social Welfare,
   O/o. The Director of Social Welfare,
   Panagal Maligai 2nd floor, No.1, Jeenis Road,
   Saidapet, Chennai – 600 015.

3. The District Social Welfare Officer,
   O/o.The District Social Welfare Office,
   K.K.Nagar, Madurai – 20. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent under the proceedings ந.க.எண் .38481/ நிர் 6(1)/2013, dated 29.07.2015 and quash the same as void, illegal and direct the respondents 1 and 2 herein to re-fix the scale of pay of Rs.8,825/- + Rs.100 P.P. (personal pay) on par with the junior of the petitioner with effect from 02.02.2001 and pay arrears thereon in the light of the proposal sent by the second respondent to the first respondent vide his proceedings Na.Ka.No.38481/No.6(1)/2012 dated 26.12.2014 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

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Heard the learned Counsel for the petitioner and learned Additional Government Pleader appearing for the respondents.

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2. The petitioner seeks step-up of his scale of pay on par with one Murugesan, who is admittedly his junior in Social Welfare

Department. The petitioner's request was denied by order dated 29.07.2015. The same is assailed in this writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Junior Assistant in the Director of Employment and Training on 27.12.1976 He was regularised as Assistant in Social Welfare Department on 18.02.1982. His contention is that one Murugesan, who was later absorbed in Social Welfare Department on 25.02.1982 was fixed in a higher scale of pay. The petitioner wants this pay anomaly to be set right. It is not possible to accept the petitioner's request and it has been rightly denied by the respondents. The reason is very simple. It is true that the said Murgesan was absorbed in the Social Welfare Department later in point of time, but he was appointed as a Junior Assistant in the Directorate of Employment and Training on 05.05.1972 almost four years prior to the petitioner joining the said department.

4. Though as pointed out by the learned counsel appearing for the petitioner by virtue of G.O.Ms.No.263, Social Welfare and Nutritious Meal Programme (SW.I) Department, dated 27.09.1994, those who were absorbed permanently in the department of Social Welfare would lose their seniority in the parent department the same will not apply to pay fixation. Since as the comparative table enclosed by the petitioner himself in the typed set of papers would demonstrate, the said Murugesan was drawing higher scale of pay right from the very inception. That is why in the impugned order also it was rightly pointed out that the question of stepping up pay on par with junior would arise only if both were in the same department from the very beginning and the person drawing higher pay was really junior to the person who is seeking stepping up of pay. In the present case both the Chandrasekarn as well as the said Murugesan came from different departments. Therefore, the request made by the petitioner was rightly denied. There is no merit in the writ petition.

5.This Writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary,
Social Welfare & Nutritious Programme Department,
Secretariat, Chennai - 600 009.

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2. The Commissioner of Social Welfare,
   O/o. The Director of Social Welfare,
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   Saidapet, Chennai - 600 015.

3. The District Social Welfare Officer,
   O/o.The District Social Welfare Office,
   K.K.Nagar, Madurai - 20.

+1cc to Mr.M.Ponniah, Advocate Sr.No.49485
+1cc to The Spl. Government Pleader Sr.No.49564

KMI

VB/SKN/RSK/SAR1/31.05.2018/3P/6C

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