

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27233 of 2008

1. V.Suryaprakash Rao
2. M.Thangamani
3. R.Adigamane
4. Y.Mohamed Rafi
5. C.N.Pragasam
6. K.jagadeesan
7. V.Perumal
8. A.Fathima Sharifunnisa
9. M.Pandian Artiste
10.J.Selvanathan
11.R.Jayasivagami .. Petitioners

-vs-

Puducherry Agro Service and
Industries Corporation Limited (PASIC)
represented by its Managing Director .. Respondent

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondent to re-fix the basic salary of the petitioners and
further direct the respondent to pay the arrears from 21.5.2003
to 21.05.2007 and allowance.

For Petitioners :: Mr.V.Raghavachari

For Respondent :: Mr.T.M.Naveen
for Mr. K.P.Jotheesaran

ORDER

This writ petition has been filed with a prayer to direct
the respondent to re-fix the salary of the petitioners and also
to pay the arrears from 21.5.2003 to 21.5.2007.

2. After about ten years, when the matter was taken up, the
learned counsel for the respondent-Puducherry Agro Service and
Industries Corporation Limited (PASIC) represented by its
Managing Director submitted that during the pendency of the writ
petition, the Government of Puducherry has issued
G.O.Ms.No.66/F3/2008, Finance Department dated 24.10.2008

implementing the recommendation of the Sixth Central Pay Commission and the relevant paragraph no.7 of the said Government Order reads as under:-

"7. The Heads of Institutions shall get option from their employees before giving effect to the claim of pay and allowances on the similar lines as prescribed in Section I and II of Part A of First Schedule to the Central Civil Services (Revised Pay) Rules, 2008, with effect from 01.01.2006, and shall take action to claim Pay and Allowances from 1st September 2008 onwards after obtaining approval of the Governing Body / Board concerned. For payment of arrears of pay and allowances for the period from 1.1.2006 to 31.08.2008, separate orders will be issued by the Government of Puducherry in due course."

Annexure-I of the said Government Order also shows the list of institutions recommended for extension of the Sixth Central Pay Commission recommendation, in which the name of the respondent- Puducherry Agro Service and Industries Corporation is also included.

3. The learned counsel for the respondent also submitted that the Sixth Central Pay Commission recommendation has been implemented, as a result all the petitioners have also received the benefits from 1.1.2006. Therefore, nothing survives in the matter.

4. Since the Sixth Central Pay Commission recommendation has been implemented in the department where the petitioners are all working with effect from 1.1.2006, nothing survives for adjudication. Therefore, the writ petition stands dismissed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ss
To

1. The Managing Director
Puducherry Agro Service and
Industries Corporation Limited (PASIC)
Thattanchavady, Puducherry 605 009

+1 CC to Mr.V.Raghavachari, Advocate sr 22492.
+1 CC to Mr.K.P.Jotheeswaran, Advocate sr 23230.

W.P.No.27233 of 2008

KAN(CO)
SP(12/04/2019)



WEB COPY