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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.06.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.Nos.13979 and 13980 of 2019

1.R.Ranganathan
2.A.Sundaresan
3.K.Boopalan
4.K.Rajendran
5.G.Shanmugham
6.M.Natarajan
7.R.Krishnamoorthy
8.S.Sankaran
9.M.Esakki
10.K.Anandaraj
11.T.M.Dhandapani
12.V.Devaraj

.... Petitioners in
W.P.No.13979 of 2019

1.K.Mohan
2.G.Ganarasu
3.H.Ravi
4.M.Senthamil Selvan
in

..... Petitioners
W.P.No.13980 of 2019

vs.

1.The State of Tamil Nadu,
rep.by the Additional
Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai-9.

2.The Principal Secretary to Government,
Finance Department,
Secretariat,
Chennai-9

3.The Director,
Motor Vehicles Maintenance Department,
Velachery,
Chennai-42

... Respondents in
both the W.Ps.



Petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representations dated 09.04.2018 submitted by the petitioners and pass appropriate orders to grant them 5% personal pay based on the same granted to the similarly placed Electricians in the Department.

For Petitioners .. Mr.R.Thomas

For Respondents ... Mr.J.Pothiraj,Spl.G.P.

COMMON ORDER

These writ petitions are filed seeking to direct the respondents to consider and pass orders on the representations of the petitioners dated 09.04.2018 and grant them 5% Personal Pay on par with the similarly placed Electricians in the Department.

2.The petitioners were appointed in the Motor Vehicles Maintenance Department as Welder, Scrubber, Tinker, Blacksmith, Carpenter, Liner and Hammerman (W.P.No.13979/19) and Scrubber, Welder and Tinker (W.P.No.13980/19) and carrying identical scale of pay of Rs.295-475 at the time of their initial appointments. It is the case of the petitioners that the post of Electrician Grade II and the posts of Carpenter, Scrubber, Welder Grade II and Tinker are similarly placed posts with same qualification i.e. S.S.L.C with I.T.I. and the scale of pay is also one and the same. While so, the second respondent in G.O.Ms.No.664, Finance (Pay Cell) Department, dated 24.08.1992, has sanctioned 5% Personal Pay to certain category of employees of the State Government with effect from 01.08.1992. Subsequently, the second respondent passed another order in G.O.Ms.No.497 Finance (PC) Department, dated 15.09.1998, extending the 5% benefit to all category of employees, who have been granted with 5% basic pay as Personal Pay prior to 01.01.1996 in the pre-revised scale of pay with effect from 01.08.1992. It is also the case of the petitioners that some of the Electricians, who were denied the above benefit, have approached this Court by way of writ petitions and the writ petitions were allowed by this Court and the orders of this Court were also implemented by the second respondent. As per the order passed by the second respondent, all the similarly placed categories are entitled for the grant of 5% Personal Pay sanctioned by the Government. It is the grievance of the petitioners that since they are also similarly placed with that of Electricians in the Motor Vehicles Maintenance Department, the grant of 5% Personal Pay should have been extended to them also, on the basis of the orders of this Court. In this regard,



the petitioners have submitted several representations to the third respondent seeking grant of Personal Pay. One such representation is dated 09.04.2018. Since the representations of the petitioners evoked no response from the respondents, the petitioners are before this Court with these writ petitions.

3. When the matter is taken up for hearing, the learned Special Government Pleader for the respondents would submit that a direction may be issued to the respondents to consider and pass orders on the representations said to have been submitted by the petitioners.

4. Since the prayer in the writ petitions is limited in its scope, the writ petitions are disposed of with a direction to the second respondent or any other competent authority to consider and dispose of the representations of the petitioners dated 09.04.2018, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai-9.

2. The Principal Secretary to Government,
Finance Department, Secretariat, Chennai-9

3. The Director,
Motor Vehicles Maintenance Department,
Velachery, Chennai-42

+2cc to Mr.D.Kingsley, Advocate Sr.No.46388 and 46387

+1cc to The Government Pleader Sr.No.46946

AKM/15.10.19/3P-6C /

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