

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18094 of 2019

J.Babu  
Assistant,

O/o.The Executive Engineer,  
PWD Buildings, Division II,  
Medical Works, Chepauk,  
Chennai - 5.

...Petitioner

vs.

1.The State of Tamil Nadu  
rep. by its Principal Secretary to Government,  
Public Works Department,  
Fort. St.George,  
Chennai - 9.

2.The Engineer in Chief (Buildings)  
and Chief Engineer (General),  
Public Works Department,  
Chepauk, Chennai - 5.

3.The Executive Engineer PWD,  
Construction and Maintenance,  
Division, Medical Works,  
Avinashi Road.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the representation forwarded by the petitioner dated 07.01.2019, for the redressal of his grievances that to confer monetary benefits as per para(4) of G.O.Ms.No.340 Finance Pay Cell Department dated 26.08.2010 on par with the similarly placed persons in the Batch.

For Petitioner : Mr.V.Ravikumar  
For Respondents : Mrs.A.Sri Jayanthi  
Additional Government Pleader

## ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the first respondent to consider and pass orders on the representation forwarded by the petitioner dated 07.01.2019, for the redressal of his grievances that to confer monetary benefits as per para(4) of G.O.Ms.No.340 Finance Pay Cell Department dated 26.08.2010 on par with the similarly placed persons in the Batch.

2.The case of the petitioner is that the petitioner was appointed as a Contract Assistant by the District Collector, Tuticorin in the year 2003. Thereafter, the petitioner participated in the selection process through competitive examination and similar persons were also participated in selection and their appointment were given on 25.05.2009 whereas the petitioner was given appointment on 13.01.2010. Subsequently, the Government issued G.O.MS.No.340 Finance (Pay Cell) Department dated 26.08.2010, based on the recommendation of the One man Committee with regard to fixation of pay of Junior Assistant/Agriculture officer selected prior to 01.06.2009 and appointed on or after 01.06.2009 due to administrative reason. In order to avail such benefit, the petitioner made a representation on 23.02.2015, however the said representation was rejected on 04.06.2015 by the third respondent and subsequently, the petitioner made a representation on 07.01.2019 to the respondent to avail such benefit, till date the representation was not considered. Hence, the petitioner filed a writ petition before this Court.

3.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to the respondent to consider the representation submitted by the petitioner and to dispose of the same within a specified time as fixed by this Court.

4.This Court has perused the records and it is seen that the earlier representation of the petitioner dated 23.02.2015 for availing the benefit of G.O.Ms.No.340 dated 26.08.2010, the same was rejected on 04.06.2015. Till date the order was not challenged. Further, it is seen that the petitioner has not challenged before the first respondent by way of appeal simply made a representation which is not permissible one and without challenging the impugned order which was rejected earlier occasion and filing a Writ Petition is unsustainable one.

5. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to work the remedy in the manner known to law. No costs.

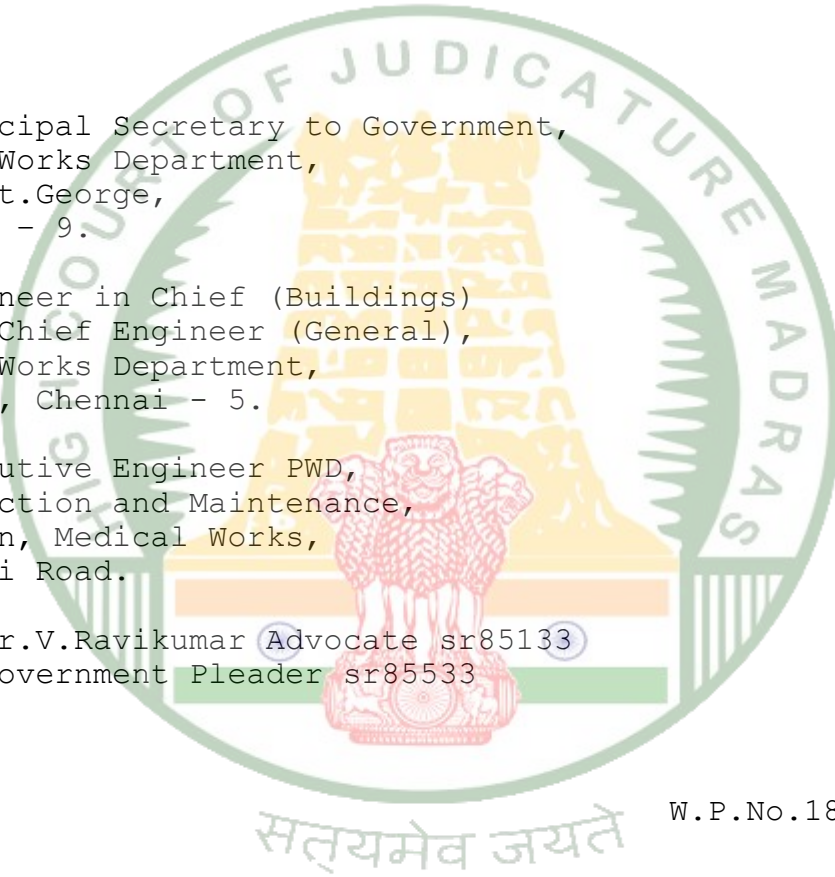
Sd/-  
Asst.Registrar (CS VIII)

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Sub Asst. Registrar

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To

- 1.The Principal Secretary to Government,  
Public Works Department,  
Fort. St.George,  
Chennai - 9.
- 2.The Engineer in Chief (Buildings)  
and Chief Engineer (General),  
Public Works Department,  
Chepauk, Chennai - 5.
- 3.The Executive Engineer PWD,  
Construction and Maintenance,  
Division, Medical Works,  
Avinashi Road.

+1 cc to Mr.V.Ravikumar Advocate sr85133  
+1 cc to Government Pleader sr85533



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