

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18951 of 2019

S.Jothimani

...Petitioner

vs

1.The Director,
Tamil Nadu Motor Vehicles Maintenance,
Department, Chennai-600 042.

2.The Regional Deputy Director,
Government Automobile Workshop,
Salem-636 007

3.The Principal Accountant General,
(Accounts & Entitlements), Tamilnadu,
No.361, Anna Salai, Chennai-600 018.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the petitioner's pay and pension by granting the Selection Grade and Special Grade Scales of pay due to him with effect from 02.01.1999 and 02.01.2009 respectively.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader

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O R D E R

Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to revise the petitioner's pay and pension by granting the Selection Grade and Special Grade Scales of pay due to him with effect from 02.01.1999 and 02.01.2009 respectively.

2. The petitioner was appointed as Blacksmith at the Government Automobile Workshop, Salem-7 on 11.11.1986 and his service was regularised with effect from 02.01.1989. While he was working as Blacksmith, a charge memo was issued to the petitioner on 02.01.1997 and thereafter, the disciplinary proceedings were conducted pursuant to the charge memo a final order was issued on 1.6.2000 imposing the penalty of removal from service. Aggrieved against the order of removal the petitioner filed O.A No.5504 of 2000 before the Hon'ble Tamil Nadu Administrative Tribunal, Chennai. While entering the original application, the Tribunal had granted interim stay and thereafter, consequent to the abolition of the Tribunal, the case was transferred to this Court and renumbered as WP No.44180 of 2006 and the same was dismissed on 8.12.2010. Aggrieved against the said order, the petitioner filed a Writ Appeal No.286 of 2011 and the Division Bench of this Court had granted interim stay and the petitioner was continued in service. Thereafter, the Division Bench of this Court modified the punishment as compulsory retirement on 20.04.2015. Thereafter, the petitioner made a representation to the Regional Deputy Director, Government Automobile Workshop, Salem on 12.12.2018 requesting for settlement of the selection grade and special grade benefits and to pay the arrears consequent on the grant of selection grade and special grade. Till date, the petitioner's representation was not considered. Hence, this present writ petition is filed.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is passed to the respondents to consider the representation of the petitioner dated 12.12.2018, within a reasonable time as fixed by this Court.

4.The learned Special Government Pleader accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 12.12.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director,
Tamil Nadu Motor Vehicles Maintenance,
Department, Chennai-600 042.
- 2.The Regional Deputy Director,
Government Automobile Workshop,
Salem-636 007
- 3.The Principal Accountant General,
(Accounts & Entitlements), Tamilnadu,
No.361, Anna Salai, Chennai-600 018.

+lcc to Mr.P.Rajendran, Advocate Sr.89566
+lcc to the Government Pleader Sr.89949

सत्यमेव जयते

W.P.No.18951 of 2019

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srg 13/12/2019

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