

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19585 of 2018

D.Perumalram

... Petitioner

Vs.

1. The Secretary to Government,
Planning and Development Department,
Fort St. George,
Chennai - 9.

2. The Principle Secretary and Commissioner,
Department of Economics and Statistics,
Teynampet, Chennai - 6.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to pay the arrears of salary for the period from 29.08.1981 - 30.06.2007 in pursuance of promotion order issued by the 2nd respondent dated 28.08.2017.

For Petitioner : Mr.R.Dinesh Kumar
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

2.The case of the petitioner is that the petitioner is a cylon repatriate and was appointed as Assistant Statistical Investigator in the year 1974 through employment exchange and his service was extended every month from 18.02.1974 to 10.01.1984, with a short break and subsequently, he was terminated from service. The termination order is against the rules and the order was passed in favour of repatriates. The petitioner joined the duty as Assistant Statistical Investigator on 21.08.1998. Thereafter, the petitioner submitted number of representations to condone the break in service in the light of G.O.Ms.No.2024 Revenue Department dated 15.05.1974.

3.The petitioner's service was regularized from the date of his initial appointment i.e from 18.02.1974. Thereafter, the petitioner sought for promotion on par with the similarly situated persons and when the same was denied, the petitioner filed WP No.43052 of 2016 before this Court and this Court vide order dated issued direction to the respondents to consider the case of the petitioner for promotion. Accordingly, the notional promotion was granted and his pay and pension was also revised from 01.09.1981. The grievance now expressed by the petitioner is that inspite of representations submitted by him to the respondents, he is yet to be granted with the benefit of arrears of salary for the period 29.08.1981 to 30.06.2007 and seeking for the same, the petitioner filed this writ petition.

4. The learned counsel appearing for the petitioner submitted the based on the order of this Court, the petitioner was granted notional promotion as Inspector of Statistics from 1981 without monetary benefits and further submitted that the petitioner is entitled for arrears of salary for the worked period from 1981 to 2007 and hence, prays for appropriate orders.

5. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondent would submit that earlier the petitioner filed WP No.43052 of 2016 seeking for notional promotion and accordingly, the same was granted with effect from 01.09.1981 on par with the batch mates in compliance to the order of this Court dated 28.08.2017. The petitioner now seeking for another relief of arrears of salary from 19.08.1981 to 30.06.2007 and it is not feasible prayer and if the writ petition is allowed by this Court, it will create more loss to the Government. The learned counsel further submitted that the petitioner without disclosing the facts in the promotional order dated 28.08.2017, filed this writ petition seeking for arrears of salary and hence, prays for dismissal of this writ petition.

6 Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel for the respondent, this Court is not inclined to issue any Mandamus to the petitioner and accordingly, this writ petition is dismissed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Planning and Development Department,
Fort St. George,
Chennai - 9.
2. The Principle Secretary and Commissioner,
Department of Economics and Statistics,
Teynampet, Chennai - 6.

+1 CC to Mr. Dinesh Kumar, advocate sr 87084.

+1 CC to Govt. Pleader sr 87349.

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MG(CO)
SP(06/12/2019)



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