

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2019
CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

WRIT PETITION No.2013 of 2017

1. K. Vijayakumar
2. M. Shanmugaraj
3. P. Shanmugasundaram
4. C. Selvakumari
5. V. Dhanavan
6. G. Santhanagopalakrishnan
7. G. Thirumurthy
8. K. Ravi
9. M. Pangajavalli

....

Petitioners

versus

1. Government of Tamil Nadu,
Rep. by Home Secretary,
Home (Courts) Department,
Secretariat,
Chennai - 9.
2. Principal Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 9.
3. The Registrar General,
High Court of Madras,
High Court Buildings,
Chennai - 104.
4. The Principal District Judge,
Erode District,
Erode.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to fix scale of pay as 15600-39100 + 5400 for the post of Translator on par with the post of Interpreter, as granted in G.O. Ms. No.291, Finance (Pay Cell) Department, Dated

26.08.2010 passed by the 2nd respondent, by giving effect to the same from the dates as mentioned in the said G.O. and to pay the entire monetary benefits including arrears and corresponding enhancements to the petitioners to be reflected in their respective pension within a reasonable period to be fixed by this Court.

For Petitioners: Mr. R. Neelakandan
For Respondents: Mr. V. Shanmuga Sundar
Special Government Pleader for R1 and R2

Mr.P.K. Rajagopal for R3 and R4.

ORDER

(The Order of the Court was made by R.Subbiah, J.)

This Writ Petition has been filed seeking for a direction to direct the respondents to fix scale of pay as 15600-39100 + 5400 for the post of Translator on par with the post of Interpreter, as granted in G.O. Ms. No.291, Finance (Pay Cell) Department, Dated 26.08.2010 passed by the 2nd respondent, by giving effect to the same from the dates as mentioned in the said G.O. and to pay the entire monetary benefits including arrears and corresponding enhancements to the petitioners to be reflected in their respective pension.

2. The petitioners have joined the Sub-ordinate Judicial Ministerial Service in various posts on various dates. According to the petitioners, they acquired necessary qualification for being promoted to the post of Translator. While working as Translators, the petitioners have reached the age of superannuation and retired from service.

3. According to the petitioners, the posts of Translator and Interpreter are one and the same. In fact, as per G.O. Ms.No.444, Finance (Pay Cell)Department, dated 9.9.2009 (Recommendation of One man commission), the scale of pay for the post of Interpreter was fixed at Rs.9300 - 34800 + Grade Pay Rs.4700/- and for the post of Translator it was fixed at Rs.9300 - 34800 + Grade Pay Rs.4800/- respectively. Thus, only there was a difference of Rs.100/- in the grade pay as per G.O. Ms. No.444 dated 09.09.2009. While so, subsequently, the second respondent issued G.O. Ms. No. 291, Finance (Pay Cell) Department, dated 26.8.2010 in which, the scale of pay for the post of Interpreter was fixed at Rs.15,600 - 39100 + Grade pay of Rs.5400. However, in the said G.O. Ms. No.291 dated 26.08.2010, there was no mention about the similar pay fixed to the post of Translators at all and as such, their scale of pay

continued to be the same.

4. The learned counsel appearing for the petitioners submitted that persons having similar educational qualification, holding identical posts and discharging same duties like that of the petitioners were fixed with higher pay, which is nothing but arbitrary and discriminatory. Moreover, the nature of work performed by persons in both the posts are similar, while so, fixing different pay for persons who performs same and identical nature of duties is not justified. In fact, the petitioners have submitted a representation dated 02.06.2014 to the second respondent seeking to step up their pay on par with the Interpreters, as fixed in G.O.Ms. No.291 dated 26.08.2010, but till date, the representation has not been considered. The learned counsel therefore prayed this Court to issue appropriate direction to the respondents to consider the representation dated 26.08.2010 and to pass orders thereof within a time limit that may be prescribed by this Court.

5. The learned counsel appearing for respondents 3 and 4, relying on the counter affidavit of the fourth respondent, would submit that the duties and responsibilities for the post of Interpreter is higher than the post of Translator and therefore, higher scale of pay was fixed to them. He further contended that the Government issued G.O. Ms.No.291, Finance (Pay Cell) Department, during the year 2010, but the petitioners seeks to extend the same benefit in their favour after their retirement. In other words, it is the submission of the counsel for the respondents 3 and 4 that the claim made by the petitioners is belated and therefore, the relief sought for by the petitioners need not be granted.

6. On the above contentions, we have heard the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the records.

7. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion as to the merits of the case, we direct the petitioners herein to submit a copy of the representation dated 2.6.2014 along with the copy of this order to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioners, within a period of eight weeks, thereafter.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi2

1. The Government of Tamil Nadu,
Home (Courts) Department,
Secretariat,
Chennai - 9.
2. Principal Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 9.
3. The Registrar General,
High Court of Madras,
High Court Buildings,
Chennai - 104.
4. The Principal District Judge,
Erode District,
Erode.

+1cc to Mr. R. Neelakandan, Advocate sr.73000

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