

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28647 of 2019

1.G.Harish
2.M.Kumaran
3.K.Thilakavathi
4.V.Devasena
5.K.Jayavel
6.P.Rajkumar
7.M.Valarmathi
8.J.Meenakshi
9.P.B.Geethalakshmi

... Petitioners

Vs.

1.The Government of Tamil Nadu represented by the
Principal Secretary to the Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai - 600 009.

2.The Chief Educational Officer,
Kancheepuram, Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to grant the Petitioners higher start
of pay at two stages above the minimum of scale of pay for
possessing degree qualification at the time of selection by the
TNPSC in the light of the orders passed by the first respondent
in Letter No.2680/PC/2018-5, Finance (Pay Cell) dated
19.09.2018, and grant them all consequential benefits.

For Petitioners : Mr.P.Rajendran

For R1 :Mr.R.S.Selvam
Government Advocate

For R2 : Mr.C.Munusamy
Special Government Pleader for Edn

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to grant the petitioners higher start of pay at two stages above the minimum of scale of pay for possessing degree qualification at the time of selection by the TNPSC in the light of the orders passed by the first respondent in Letter No.2680/PC/2018-5, Finance (Pay Cell) dated 19.09.2018, and grant them all consequential benefits.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioners is that the petitioners are working as Junior Assistants in the School Education Department who were selected for the said post pursuant to the notification of the Tamil Nadu Public Service Commission dated 27.04.2012 for appointment of Group-IV services. In spite of certificate verification and counseling were held on 28.02.2013, however, in other departments and offices, appointment orders were issued to the selected candidates during January and February, 2013 itself. However, in their department and in their district, appointment orders were issued to the selected candidates only on 01.04.2013 and thereafter they were appointed in the above said offices. If the petitioners were given appointment soon on receipt of the allotment list, they would have joined the duty prior to 01.04.2013. The delay occurred in forwarding the allotment list is only on the part of the administration and in which the petitioners have no role to play and further the candidates who are selected along with the petitioners in the same selection and for whom certificate verification and counseling was held on 28.02.2013 and who received appointment orders before 01.04.2013 are given higher start of pay. The delay in issuing the appointment orders to the petitioners is the only reason for the petitioners for not getting higher start of pay. For which the petitioners made a representation in order to avail similar benefit of higher start of pay. Hence, the petitioners have come out with the present Writ Petition.

4.The learned counsel for the petitioners would submit that it would be suffice to issue direction to the first respondent to consider the representations of the petitioners and pass orders on the same.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the first respondent to consider the representation of the petitioners and pass orders on merits and in accordance with law and as per the

existing schemes in the light of Letter passed by the Government in Letter No.2680/PC/2018-5 dated 19.09.2018, Finance (Pay Cell) Department, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

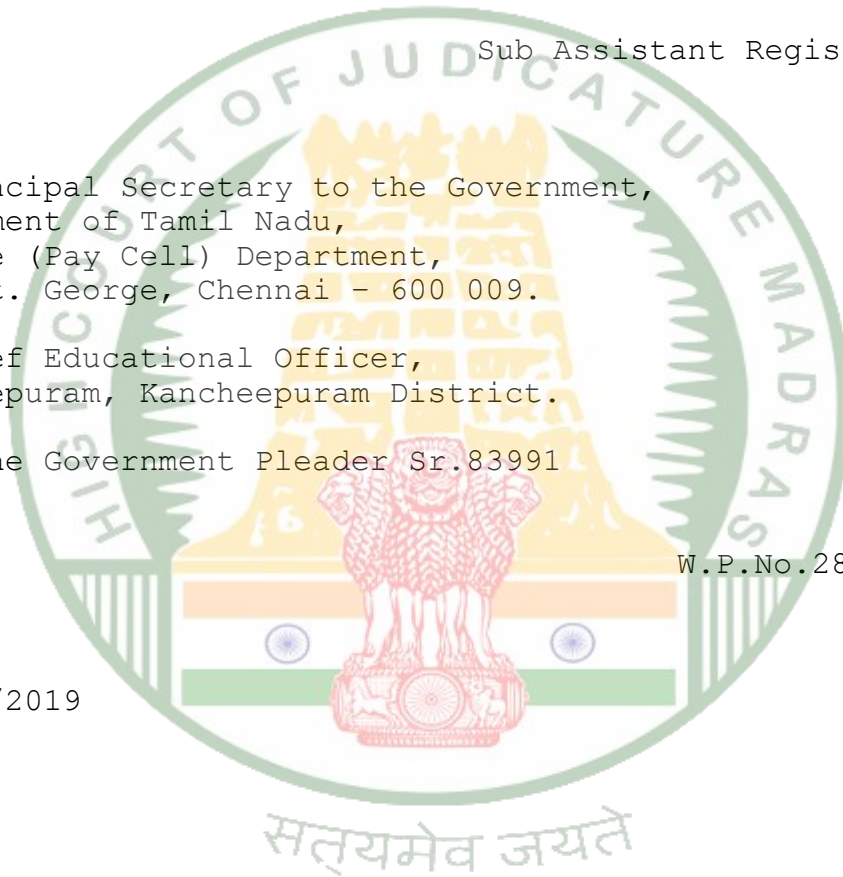
1.The Principal Secretary to the Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George, Chennai - 600 009.

2.The Chief Educational Officer,
Kancheepuram, Kancheepuram District.

+1cc to the Government Pleader Sr.83991

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srg 21/11/2019



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