

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.29994 of 2019

G.Shanmugam

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Principal Secretary,
Personnel & Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai- 600 009.

3.The Director,
Local Fund Audit Department,
Nandanam,
Chennai-600 035.

4.The Director,
State Government Audit Department,
Nandanam,
Chennai- 600 035

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ or order or direction more particularly a Writ of Mandamus directing the respondents to pay the difference in pay due to the anomaly in fixation of pay by considering the petitioner's representation dated 06.06.2016, 23.01.2019 and 18.09.2019.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mrs.Jayanthi
Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus or any other Writ or order or direction directing the respondents to pay the difference in pay due to the anomaly in fixation of pay by considering the petitioner's representation dated 06.06.2016, 23.01.2019 and 18.09.2019.

2. The case of the petitioner is that he joined as Assistant Inspector, Local Fund Audit Department through TNPSC on 23.06.1983. Thereafter, he has been promoted to the post of Deputy Inspector and finally promoted as Inspector. He retired from the service as an Assistant Director.

3. The grievance of the petitioner is that there is difference in fixation of pay between the senior and the petitioner. The senior gets promotion to the post of Deputy Inspector as per old scale of pay rules before 01.01.2006 and the junior gets promotion to the post of Deputy Inspector as per new scale of pay rules after 01.01.2006. From 01.07.2009 juniors are getting higher pay than the petitioner.

4. According to the petitioner, the anomaly in fixation of pay between the petitioner and the junior can be rectified by applying Rule 5 in the Tamil Nadu Revised Scale of Pay Rules, 2009 G.O.Ms.No.234 dated 01.06.2009 and the first respondent herein is the competent authority to rectify the anomaly in fixation of pay as per the proceeding of the Government in Letter No.45113/U.Ku/2009-1 Finance Department dated 17.08.2009. The first respondent herein has passed proceedings in Na.Ka.No.22468/U.Ni.Mu(2)/2015 dated 17.08.2016 stating that the anomaly in fixation of pay should be rectified. Thereafter, the first respondent has passed proceedings dated 23.08.2017 that the Government can only rectify the anomaly in fixation of pay. Hence the petitioner has sent several representations dated 06.06.2016, 23.01.2019 and 18.09.2019 to the third respondent to recommend the Government to rectify the anomaly in fixation of pay. Since, no action is forthcoming from the respondents, the petitioner is before this Court filing the present Writ Petition.

5. The learned counsel for the petitioner would submit that it would suffice to issue direction to the respondents to dispose of the representation in accordance with law.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the respondents to dispose of the representation, if not disposed of already, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Principal Secretary to Government,
Finance Department
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Principal Secretary,
Personnel & Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai- 600 009.
- 3.The Director,
Local Fund Audit Department,
Nandanam,
Chennai-600 035.
- 4.The Director,
State Government Audit Department,
Nandanam,
Chennai- 600 035

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No. 88887

+1cc to the Government Pleader, S.R.No. 88667

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RSI (CO)
GN(08/01/2020)

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