

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31342 of 2019

1.P.Rajini
2.P.Kalaiselvi
3.R.Valarmathi
4.M.Sakthi
5.P.Kuppuraj

... Petitioners

vs

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

2.The Director of School Education,
College Road, Chennai- 600006.

3.The Chief Educational Officer,
Namakkal, Namakkal District.

... Respondents

Prayer: Writ Petition is 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 Petitioner : Mr.P.Rajendran

For Respondents : Mr.C.Munusamy
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioners is that the petitioners are working as Junior Assistant in the School Education Department. They were selected for the said post pursuant to the Tamil Nadu Public Services Commission Notification dated 27.04.2012 for appointment of Group-IV services. Thereafter certificate verification was conducted and after the certificate verification, appointment orders were issued to the selected candidates during the months of January and February in the year 2013. However, in their department and in their district appointment orders were issued only after 01.04.2013 and immediately they joined duty. The delay in forwarding the allotment list is on the part of administration. While being so, the Government issued G.O.Ms.No.321 Finance(Pay Cell) Department dated 02.07.1998 granting higher start of pay at two stages above the minimum of scale of pay to the Graduate Junior Assistant / Typist/ Record Clerk, and also issued G.O.Ms.No.241, Finance (Pay Cell) Department dated 22.07.2013 stating that the said benefit shall be dispensed with, with effect from 01.04.2013. As a result, the candidates who were selected along with them in the same selection for whom certificate verification and counseling was held on 06.12.2012 and who received appointment orders before 01.04.2013 are given higher start of pay for possessing degree qualification. Thereafter the Government issued orders in Letter No.2680/PC/2018-5 dated 19.09.2018 to make the similar placed persons avail the said benefit. Accordingly, in order to avail the same benefit, the petitioners also made representations dated 27.07.2019. But till date the same have not been considered. Hence, the petitioners have filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the respondents to consider the representations of the petitioners dated 27.07.2019 and pass orders, within a stipulated time fixed by this Court.

5.Though the petitioners have sought for a larger relief, this Court without going into the merits of the case, directs the respondents to consider the petitioners' representations dated 27.07.2019 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 copy of this order.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pnn

To

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

2.The Director of School Education,
College Road, Chennai- 600006.

3.The Chief Educational Officer,
Namakkal, Namakkal District.

+1cc to Mr.P.Rajendran, Advocate SR.92607
+1cc to the Government Pleader SR.93014

W.P.No.31342 of 2019

(CO)
CB(05/12/2019)

सत्यमेव जयते
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