

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32996 of 2019

1.N.Vasuki
2.R.Kumaresan
3.V.Ramya
4.K.Gomathi
5.R.Rajavelu
6.P.Senthil Kumar
7.K.Saravanan
8.J.Jayakumar
9.N.Muthurajan
10.K.Murugan

.. Petitioners

Vs.

1. The Government of Tamil Nadu rep. by the Principal Secretary to the Government, Finance (Pay Cell) Department, Fort St. George, Chennai - 600009.
2. The Engineer in Chief, Water Resources Division (WRD) and Chief Engineer (General), Public Works Department, Chepauk, Chennai - 600005.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, 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 TNSPC 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 Respondents : Mr.A.N.Thambidurai
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 3rd and 5th petitioners are working as Typist and the other petitioners are working as Assistant in the Public Works Department. They were selected for the said posts 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 on various dates. 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 made on various dates 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 made on various dates 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(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to the Government,
Finance (Pay Cell) Department
Fort St. George, Chennai - 600009.
2. The Engineer in Chief,
Water Resources Division (WRD)
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600005.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.99290
+1cc to the Government Pleader, S.R.No.98965

W.P.No.32996 of 2019

KK(CO)
CS/02/01/2020

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