



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33694 of 2019
and WMP No.34163 of 2019

N.Ramakrishnan

... Petitioner

Vs.

1. The Member Secretary (FAC) District Judge,
Tamil Nadu State Legal Services Authority,
High Court Campus, North Fort Road,
Chennai 600 104.
2. The Accountant General (Accounts & Entitlement),
Teynampet, Chennai 600 018.
3. Pay and Accounts Officer,
High Court, Chennai 600 104.
4. The Treasury Officer,
Pension Pay Office,
Veterinary Hospital Campus, Nandanam,
Chennai - 35

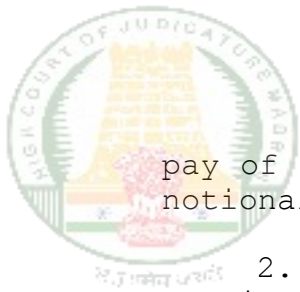
... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 31.12.2013 in Order TNSLSA No.7777/E/2009 and quash the same and consequently, direct the respondents to fix the petitioner's grade pay for selection grade junior administrative assistant in the pay scale of 9300-34800+4200 Grade pay notionally from 01.01.2006 and to grant all monetary benefits in consonance with Government letter No.63305/Pay cell/2010-1 dated 08.11.2010.

For Petitioner	: Mr.N.A.Nissar Ahmed
For Respondents	: Mrs.K.Bhuvaneswari, Additional Government Pleader for R1, R3 and R4. Mr.Vijayashankar for R2

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 31.12.2013 and consequently, for a direction to the respondent to fix the grade



pay of the petitioner in the pay scale of 9,300 - 34,800 + 4200, notionally from 01.01.2006 and to grant all monetary benefits.

2. It is seen from records that the petitioner was appointed as a Administrative Assistant in the year 1988 and he was awarded selection grade in the post of Junior Administrative Assistant in the year 1999. Thereafter, the petitioner was promoted to the post of Senior Administrative Assistant in the year 2006 and after the completion of 10 years, the petitioner was given the selection grade in the post of Senior Administrative Assistant.

3. In the year 2009, the Government of Tamil Nadu revised the scales of pay and notionally made it come into force with effect from 01.01.2006. According to the petitioner, he became entitled to the increase of revision of pay awarded to the selection grade Junior Assistant in the scale of pay of Rs.9300-34,800+4200 GP.

4. In the year 2013, the 1st respondent had fixed the pay scale at Rs.5,200-20,200+2400 GP in the post, by restricting the same to first level promotion at the cadre of Senior Administrative Assistant. The petitioner is aggrieved by the same. However, there was no challenge made for the last 5 years.

5. Subsequently, an order came to be passed in the year 2017, directing the grade pay for Selection grade Junior Assistant to be fixed at Rs.4,200/- in consonance with the Government letter dated 08.11.2010. The petitioner wants now to take advantage of this order passed in the year 2017 and the present writ petition has been filed challenging the 2013 notification and seeking for consequential relief.

6. The learned counsel for the petitioner submitted that the petitioner is entitled for the same relief that has been given by this Court in WP No.12104 of 2017 and the petitioner cannot be deprived of the benefits just because, he has approached this Court only now and challenged the 2013 Notification.

7. This Court is not able to agree with the submissions made by the learned counsel for the petitioner. Admittedly, the notification was issued fixing the scale of pay in the year 2013. If the petitioner was really aggrieved, he should have challenged it immediately. The petitioner cannot wait for someone else to get an order and thereafter, take advantage of the same. The petitioner was more a fence sitter, who is now trying to take advantage of subsequent order passed by this



Court. The same cannot be permitted and this Court does not find any merit in this writ petition.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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2. The Accountant General (Accounts & Entitlement),
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3. The Pay and Accounts Officer,
High Court, Chennai 600 104.
4. The Treasury Officer,
Pension Pay Office,
Veterinary Hospital Campus, Nandanam,
Chennai - 35

+1 cc to M/s.N.A.Nissar Ahamed,Advocate Sr.No. 100910

+1 cc to The Government Pleader Sr.No. 101153

AKM/21.01.2020/3P- 7C /

W.P.No.33694 of 2019 and WMP No.34163 of 2019