

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2019

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.12170 of 2014
and W.P.M.P.No.1 of 2014

- 1.N.Balasubramaniam
- 2.P.Saravanan
- 3.P.M.Sathasivam
- 4.S.Sankaralingam
- 5.A.Suresh
- 6.M.Venkateshwari
- 7.S.Prakash
- 8.T.Praba
- 9.K.Selvi
- 10.A.Vishwanathan
- 11.S.Sellavel
- 12.S.Sadiq Ali

...Petitioners

Versus

- 1.The Government of Tamilnadu,
Rep. by its Principal Secretary,
Finance Department,
Fort St.George,
Chennai - 600 009.
- 2.The Government of Tamilnadu,
Rep. by Secretary to Government,
Personnel and Administrative Department,
Fort St.George,
Chennai - 600 009.
- 3.The Director,
Treasuries and Accounts Department,
Panagal Building,
Saidapet,
Chennai - 600 015.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to rectify the pay anomaly in the post of Accountant by fixing higher pay than the graduate Junior Assistants and direct the first respondent to fix the basic pay scale of Rs.9,300/- from the date of the petitioner's appointment in the post of Accountant by

considering the petitioner's representation dated 03.04.2014.

For Petitioners : Mr.R.Prabakar

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

O R D E R

With consent, this Writ Petition is taken up for final disposal.

2. The relief sought for in this Writ Petition is to direct the respondents to rectify the pay anomaly in the post of Accountant by fixing higher pay than to the one fixed for the Junior Assistants and to direct the first respondent to fix the basic pay scale of Rs.9,300/- from the date of the petitioners' appointment in the post of Accountant by considering the petitioners' representation dated 03.04.2014.

3. The learned counsel appearing for the petitioners submitted that the petitioners are working as Accountants in the Department of Treasuries and Accounts. They were selected by the Tamil Nadu Public Service Commission (CSSE-I Exam) through direct recruitment under Group II category for the said posts after going through two stages viz., (i) Written Examination and (ii) Oral Test and appointed in the post of Accountant in Treasury Department from the month of December 2009 onwards and they are now working as such in the Treasuries and Accounts Departments in various Districts in the State.

4. The learned counsel for petitioners further submitted that on 03.04.2014, the petitioners have made a representation before the respondents requesting to rectify the pay anomaly in the post of Accountant by fixing higher scale of pay than the one fixed for the post of graduate Junior Assistant, as the feeder post of Junior Assistant and the promotional post of Accountant are allowed to exists in an identical scale of pay though the level of duties, responsibilities and qualification attached to the said posts are manifestly distinct and to pay the difference in pay after rectification of anomaly and also equate the pay to the persons who are recruited and posted in various Departments in the scale of pay of Rs.9,300/- from the date of appointment in the posts of Accountants. However, the said representation was kept pending by the respondents. Therefore, the petitioners have filed the present Writ Petition seeking for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents drawn the attention of this Court to the order passed by this Court in W.P(MD).No.17534 of 2013, dated 01.03.2018 and submitted that in the light of the said order, the respondents will consider the representation of the petitioners on merits and in

accordance with law.

6. Heard Mr.R.Prabakar, learned counsel for petitioners and Mr.M.Karthikeyan, learned Additional Government Pleader for respondents.

7. In view of the submissions made by the counsels on both sides and taking into consideration of the order in W.P(MD)No.17534 of 2013 dated 01.03.2018, this Court, without going into the merits of the case, directs the first respondent to consider the petitioners' representation dated 03.04.2014 and pass appropriate orders on merits and in accordance with law as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are also directed to enclose their representation along with a copy of the order passed by this Court in W.P(MD)No.17534 of 2013 dated 01.03.2018 as well as this order and submit the same before the respondents, so as to enable them to take further actions in regard to the said representation.

8. This Writ Petition is disposed of with the above directions. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1.The Principal Secretary,
Finance Department,
Fort St.George, Chennai - 600 009.

2.The Secretary to Government,
Personnel and Administrative Department,
Fort St.George, Chennai - 600 009.

3.The Director,
Treasuries and Accounts Department,
Panagal Building, Saidapet, Chennai - 600 015.

+1 cc to Government Pleader SR.NO. 28551

+1 cc to MR.N.MANOKARAN Advocate SR.NO. 28278

W.P.No.12170 of 2014

rv[co)

RD 06/06/2019