



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.20191 of 2018

Ponnuswamy

... Petitioner

vs

The District Collector,
Kanyakumari District,
Nagercoil.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling the records relating to the proceedings of the Respondent made in A6/26651/2018, dated 17.07.2018 and quash the same and consequently direct the Respondent to grant Additional Pay for the service rendered in the Additional post of Special Tahsildar, Land Revenue Unit II, Nagercoil for the period from 04.04.2012 to 16.12.2012.

For Petitioner : Mr.M.Sureshkumar

For Respondent : Mr.S.Angappan

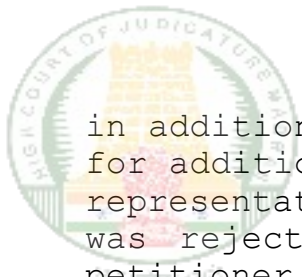
Government Advocate

ORDER

The Writ Petition is filed seeking for issuance of Writ of Certiorarified Mandamus by calling the records relating to the proceedings of the Respondent made in A6/26651/2018, dated 17.07.2018 and quash the same and consequently direct the Respondent to grant Additional Pay for the service rendered in the Additional post of Special Tahsildar, Land Revenue Unit II, Nagercoil for the period from 04.04.2012 to 16.12.2012.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

3. The case of the petitioner is that the petitioner worked as Special Tahsildar in Kanyakumari District in the year 2012. The respondent, by proceedings dated 31.03.2012 had created Special Tahsildar, Nagercoil Town Survey Unit II and posted the petitioner



in addition to the work assigned. Hence, the petitioner is entitled for additional pay for discharging the said additional work, but the representation made by the petitioner seeking the above said relief was rejected by the impugned order dated 17.07.2018. Hence, the petitioner is before this Court.

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4. Though in the reference column of the impugned order indicates the receipt of the representation made by the petitioner, the same proceeds to observe that no such representation has been received.

5. Further Rule 49(1)(iii) of the Fundamental Rules reads as follows:

(iii) Additional pay for holding full additional charge shall be granted at the rate of one fifth of the pay drawn in the regular post or half of the minimum pay of the Additional Post, whichever is less for the period of five months. Additional Pay shall not be paid for the period of holding full additional charge in excess of five months."

6. Such position has not been denied by the respondent.

7. In such view of the matter, the impugned order cannot be sustained and accordingly, the same is set aside. The matter is remitted back to the respondent for passing orders in the light of Rule 49(1)(iii) of the Fundamental Rules and the representation dated 25.09.2015 submitted by the petitioner be considered by the respondent on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Collector,
Kanyakumari District,
Nagercoil.

+1cc to Mr.M.Sureshkumar, Advocate, SR.No.52529

+1cc to Special Government Pleader, SR.No.53709

W.P(MD) No.20191 of 2018
07.03.2019

SP/27.04.2019/2P/4C