



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.18450 of 2019

WEB COPY

Mohanraj

... Petitioner

vs.

1.The Principal Secretary to Government,
Commissioner of Treasuries and Accounts,
Finance Department,
Chennai - 600 035.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The District Collector,
Thanjavur District,
Thanjavur.

4.The Treasury Officer,
District Treasury,
New Collectorate Building,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to pay the enhanced salary to the petitioner along with arrears with effect from 21.09.2016 in the light of the order passed by the third respondent in his proceedings in Na.Ka.No.8696/2017/C1, dated 24.04.2019 by considering the petitioner's representation dated 22.07.2019.

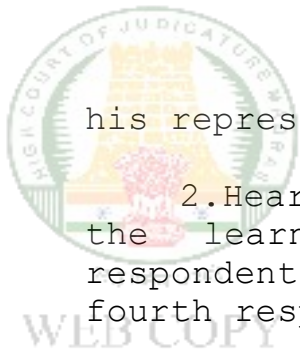
For Petitioner : Mr.K.Navaneethan

For RR 1 to 3 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For R - 4 : Mr.A.Swaminathan

ORDER

This writ petition is filed seeking for a Mandamus, to direct the respondents to pay the enhanced salary to the petitioner along with arrears with effect from 21.09.2016 in the light of the order passed by the third respondent, dated 24.04.2019, by considering



his representation, dated 22.07.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. According to the petitioner, he was a Diploma holder in Civil Engineering and he was appointed as Union Overseer in the office of the second respondent at Thanjavur through Employment Exchange on 09.06.2008. While he was in service, he obtained B.E (Civil) Degree in the year 2012 as part time and he was promoted as Assistant Engineer on 21.09.2016. The Tamil Nadu Rural Development Engineers and Assistant Engineers' Association has given a representation to the Government to fix the higher pay for the Assistant Engineer, who were recruited after the issue of G.O.Ms.No.71, Finance (Pay-Cell) Department, dated 26.02.2011 and G.O.Ms.No.242, Finance (Pay-Cell) Department, dated 22.07.2013. One Man Commission was constituted and as per the recommendation of the said Committee, the scale of pay was revised and G.O.Ms.No.451, Finance Department, dated 31.12.2010, was made applicable to the Rural Development Engineers. While so, after number of Writ Petitions filed, this Court directed the respondents to constitute a fresh committee headed by a retired Judge of this Court to redress the anomalies. In view of the order of this Court, the respondents did not implement G.O.Ms.Nos.71 and 242. But, a clarification was issued by the Government that the fixation of pay of the employees appointed by direct recruitment or recruitment or transfer or promotion on or after 22.07.2013 ie., on or after the date of G.O.Ms.No.242, dated 22.07.2013 are entitled only to the pay scale as fixed in the said Government Order.

4. The second respondent, considering all the above materials, issued a proceedings dated 08.09.2017 and directed the District Collectors to fix the pay scale of the Assistant Engineers / Assistant Executive Engineers / Executive Engineers as per G.O.Ms.No.451, dated 31.12.2010, subject to the outcome of the pending cases against G.O.Ms.Nos.71 and 242.

5. The third respondent fixed the scale of pay of the petitioner as per G.O.Ms.No.451, dated 31.12.2010, but the fourth respondent is not paying the enhanced pay to the petitioner. Since similarly placed persons were paid by other treasuries, the petitioner has sent a representation to the respondents 1, 3 and 4 on 22.07.2019. The same has not been considered by the respondents 1, 3 and 4 so far. Hence, the petitioner has come up with the present Writ Petition.



6.The first and fourth respondents filed counter-affidavit.

7.The learned Special Government Pleader appearing for the respondents submitted that the fourth respondent is taking action with regard to payment of enhanced pay scale to the petitioner, after obtaining clarification from the first respondent.

8.Considering the above materials and submissions of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3, without going into the merits of the matter, the respondents are directed to consider the representation of the petitioner, dated 22.07.2019 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The Principal Secretary to Government,
Commissioner of Treasuries and Accounts,
Finance Department,
Chennai - 600 035.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The District Collector,
Thanjavur District,
Thanjavur.

4.The Treasury Officer,
District Treasury,
New Collectorate Building,
Thanjavur.

+1 CC to M/s.GP (SR-89837[F] dated 26/09/2019)

W.P(MD)No.18450 of 2019

25.09.2019