



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.09.2019

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19127 of 2019

WEB COPY

P.Senthilkumar

... Petitioner

vs.

1. The Principal Secretary/Commissioner of Survey
and Settlement,
Chepauk,
Chennai - 600 005.

2. The Assistant Director Survey and Land Records,
Theni. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to sanction higher start of pay to the petitioner for Graduate Junior Assistant in view of the petitioner's representation dated 26.07.2019, within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventhera Rajan
For Respondents : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to sanction higher start of pay to the petitioner for Graduate Junior Assistant, by considering his representation, dated 26.07.2019, within a time frame to be fixed by this Court.

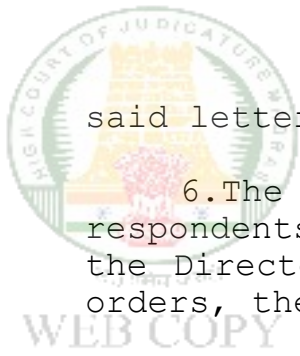
2.According to the petitioner, he was recruited through the Tamil Nadu Public Service Commission and was appointed as Junior Assistant in the Survey and Land Records Department, by the proceedings of the first respondent, in Rc.R2/12477/12 (sy) (1), dated 26.04.2012. The petitioner was allotted to the Office of the Assistant Director of Survey and Land Records, Ramanathapuram. He joined in service as Junior Assistant on 22.05.2012 and his service was regularized with effect from the said date. He has completed his probation successfully with effect from 02.07.2014. He was a 100% physically challenged person and hence, he was exempted from undergoing foundational training at the Civil Servants Training Institute, Bhavanisagar, vide G.O.(1D)No.286, Revenue Department, dated 18.07.2016.



3.Further, according to the petitioner, at the time of his appointment in the respondent Department, he had possessed educational qualification of Bachelor of Arts. The educational qualification prescribed for the post of Junior Assistant is S.S.L.C. pass. The candidates possessing degree qualification and appointed as Junior Assistants are called as Graduate Junior Assistants. The Government of Tamil Nadu, vide G.O.(Ms)No.321, Finance(Pay Cell) Department, dated 02.07.1998, issued orders granting higher start of pay at two stages above the minimum scale of pay of Rs.3200 - 4900 to the graduate Junior Assistants. In the case of Record Clerk with S.S.L.C. qualification, they were granted higher start of pay at two stages above the minimum of scale of pay of Rs.2610 - 3540.

4.Further, a Pay Grievance Redressal Committee constituted to examine the scope of higher start of pay to the Graduate Junior Assistants. The said Committee has recommended to compensate the difference of pay as personal pay for directly recruited Assistants in service at that time. However, the said Committee has further observed that the concession of higher start of pay for acquiring graduate qualification was introduced long ago with an aim of incentivizing the Junior Assistants to acquire higher qualification, when most of them were appointed with the minimum general educational qualification of S.S.L.C. The Committee has also observed that the higher start of pay to the graduate Junior Assistants was unwarranted since most of the recruits to the post of Junior Assistants were degree holders. Accepting the recommendations of the Pay Grievance Redressal Committee, the Government of Tamil Nadu issued a Government Order in G.O.(Ms) No.241, Finance Department, dated 22.07.2013, dispensing higher start of pay with graduate Junior Assistants with effect from 01.04.2013. However, the Secretary to Government, Finance Department, issued clarification to G.O.Ms.No.241, Finance Department, dated 22.07.2013, vide his Letter No.22949/Pay Cell/2015-1, dated 09.02.2016, clarifying that the graduate Junior Assistants, who were appointed prior to 01.04.2013 and not sanctioned with higher start of pay due to administrative reason, are entitled for higher start of pay. Following the above said clarification, the similarly placed persons like the petitioner, who were all sanctioned with higher start of pay, were sanctioned with higher start of pay. However, the petitioner was not sanctioned with the higher start of pay. Hence, he sent a representation dated 26.07.2019 to the respondents, but, no order has been passed so far. Hence, the present Writ Petition.

5.The learned counsel appearing for the petitioner submitted that the petitioner is fully eligible for grant of higher start of pay and the respondents have no impediment in view of the clarification issued by the Additional Chief Secretary to Government, Finance (Pay Cell) Department, in Letter No.22949/Pay Cell/2015-1, dated 09.02.2016. He has also produced a copy of the



said letter and prayed for allowing the Writ Petition.

6.The learned Additional Government Pleader appearing for the respondents submitted that clarification has been sought for from the Director of Survey and Settlement, Chennai and after obtaining orders, the request of the petitioner would be considered.

7.Heard both sides.

8.In view of the abovesaid facts and circumstances of the case and considering the submissions made by the learned counsel on either side, the respondents are directed to consider the petitioner's representation dated 26.07.2019, by taking into account of G.O.(Ms)No.241, Finance Department, dated 22.07.2013 and the clarification letter issued by the Additional Chief Secretary to Government, Finance (Pay Cell) Department, dated 09.02.2016, and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary/Commissioner of Survey
and Settlement,
Chepauk,
Chennai - 600 005.

2.The Assistant Director Survey and Land Records,
Theni.

+1 CC to SPL GP (SR-87570[F] dated 18/09/2019)

W.P.(MD)No.19127 of 2019

16.09.2019

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