



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14905 of 2014

S.Vellaichamy

... Petitioner

-Vs-

1. State Represented by
The Principal Secretary,
Finance Department (Pay Cell),
Secretariat, St. George Fort,
Chennai.
2. The Director of Technical Education,
Anna University Campus,
Guindy, Chennai.
3. The Principal,
Thiagarajar College of Engineering,
Madurai-15.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 30.06.2014 and to fix the petitioner's scale of pay in par with the scale of pay fixed for the Instructors working in the Public Relation Department and to disburse all the monetary benefits to the petitioner from the date of the petitioner's appointment ie., 10.06.1996.

For Petitioner : Mr.C.Arul Vaidevel Alais Sekar
For R1 : Mr.K.Mu.Muthu,
Additional Government Pleader.
For R2 and R3 : No Appearance

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 and 2 to to consider the representation of the petitioner dated 30.06.2014 and to fix the writ petitioner's scale of pay on par with the scale of pay fixed for the instructors working in the Public Relation Department and to disburse all the monetary benefits to the writ petitioner from

the date of the writ petitioner's appointment i.e., 10.06.1996.

2.The writ petitioner set out his claim on the basis of the Government Order passed in G.O.Ms.No.542, Finance (Pay Cell) Department, dated 28.09.1998. The writ petitioner appointed as Instructor in Thiagarajar College of Engineering, Madurai on 16.10.1996. The said college is a Government aided college. As per the recommendations of the 4th Pay Commission, the scale of pay of the writ petitioner was fixed on the date of his appointment subsequently, 5th Pay Commission came into force and the scale of pay was revised with effect from the year 1996. The writ petitioner claims that there is a difference in scale of pay and therefore, he must be given higher scale of pay with reference to the Government Order issued in G.O.Ms.No.542, dated 28.09.1998.

3.The learned Additional Government Pleader appearing on behalf of the first respondent opposed the contentions by stating that after issuance of G.O.Ms.No.542, the Government has issued G.O.Ms.No.338, Finance Department (Pay Cell), dated 26.08.2010, with reference to the said Government Order, the scale of pay of the writ petitioner was fixed and there is no anomaly.

4.This Court is of the considered opinion that with reference to the different scale of pay, the authorities competent of the establishment have to verify the same in accordance with the Government Order and Pay Rules in force. The very claim of the writ petitioner with reference to G.O.Ms.No.542, cannot be done at this length of time, in view of the fact that subsequent Pay Commissions were also implemented and the pay of the writ petitioner was revised. In respect of the Government Order of the year 1998, the Writ Petition itself was filed in the year 2014, after a lapse of about 16 years from the issuance of the Government Order.

5.This being the implications, the respondents are directed to verify the scale of pay as applicable to the writ petitioner and fix correct scale of pay and pay salary as applicable to the cadre, in which the writ petitioner is working. However, the claim of the writ petitioner with reference to the Government Order of the year 1998 cannot be considered at this length of time.

6.With these directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //



To

The Principal Secretary,
Finance Department (Pay Cell),
Secretariat, St. George Fort,
Chennai.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-77025[F] dated 23/07/2019)

+1 CC to Special Government Pleader (SR-77274[F] dated 24/07/2019)

W.P. (MD) No.14905 of 2014
23.07.2019

Myr

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