

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14302 of 2015

1.M.Manoharan
2.S.Uthandi
3.D.Venkatesan
4.S.Ravi Chandran
5.G.Baskar
6.E.P.Ramesh
7.P.Raghavan
8.B.K.Chandrasekaran
9.D.Ramasubramanian

..Petitioners

Vs

1.State of Tamil Nadu
Rep.by its Secretary to Government
Finance Department
Fort St. George
Chennai-600 009.

2.The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Consumer Food and
Co-operation,
Fort St. George,
Chennai-600 009.

3.Tamil Nadu Civil Supplies Corporation
Rep. by The Chairman
No.12, Thambu Samy Road
Kilpauk, Chennai-10.

4.Tamil Nadu Civil Supplies Corporation
Rep. by The Managing Director
No.12, Thambu Samy Road
Kilpauk, Chennai-10.

..Respondents

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to revise the scale of pay of the petitioners in the scale of 9300-34800 + Grade pay of Rs.4200

following the recommendations in Letter No.63305/Pay Cell/2010-1 dated 8.11.2010 on the file of The Principal Secretary, State Government of Tamil Nadu (Finance CPC) Department)

For Petitioner : Mr.R.Rajarajan
For Respondents : Mr.S.Thangavel for R1 and R2
Special Government Pleader
Mr.C.Munusamy for R3 & R4

ORDER

The writ petitioners have filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents to revise the scale of the petitioners in the scale of 9300-34800 + Grade pay of Rs.4200 following the recommendations in Letter No.63305/Pay Cell/2010-1 dated 8.11.2010 on the file of The Principal Secretary, State Government of Tamil Nadu (Finance CPC) Department).

2. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the 1st and 2nd respondents and the learned Standing Counsel appearing for the 3rd and 4th respondents.

3. The case of the writ petitioners is that they are all working as operators, boiler operators and electricians in the 3rd respondent department for more than 2 decades. There is no promotional avenue to the said posts and therefore, the petitioners were given special grade and selection grade on completion of the 10th and 20th years of their service respectively. The scale of pay of the petitioners was revised in the time scale of Rs.5200-20200 + Grade Pay 2600 with effect from 15.05.2008 following the Sixth Pay Commission recommendations. Since pay anomalies were found in the recommendations, one man committee has been constituted to clear the anomalies. In pursuant to the same, the guidelines for fixation of pay in the revised selection grade/special grade post were issued by the Principal Secretary to Government in Letter No.63305/Pay Cell/2010-1 dated 8.11.2010. The said recommendations were not given effect to and therefore, the present writ petitioners have made a representation individually to the respondents to implement the direction and refix at Rs.9300-34800 + 4200 with effect from 1.8.2010. Since the representations of the writ petitioners were not considered, the present writ petition has been filed seeking for a Writ of Mandamus.

4. According to the learned counsel for the writ petitioners, the writ petitioners have made a representation individually to the 4th respondent on various dates from 04.07.2014 to 22.04.2015 respectively. But, the said representation has not been considered. Therefore, they have filed the present writ petition seeking for a Writ of Mandamus. Eventhough the writ petitioners have prayed the relief in the writ petition, during the course of arguments, they restricted their claim and made a request that it would suffice to issue a direction to the 4th respondent, to consider the aforesaid representation of the writ petitioners within a reasonable time as fixed by this Court. So far, no counter has been filed by the respondent.

5. Based on the submission of the learned counsel for the petitioners, without expressing any opinion on merits, this Court is inclined to direct the 4th respondent to consider the individual representation of the present writ petitioners and pass appropriate orders on merits and in accordance with law, as expeditiously as possible more preferably, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the writ petitioners shall also furnish a copy of this order to the 4th respondent.

6. In fine, this Writ Petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
Finance Department
Fort St. George
Chennai-600 009.
2. The Secretary to Government
Department of Consumer Food and
Co-operation,
Fort St. George,
Chennai-600 009.

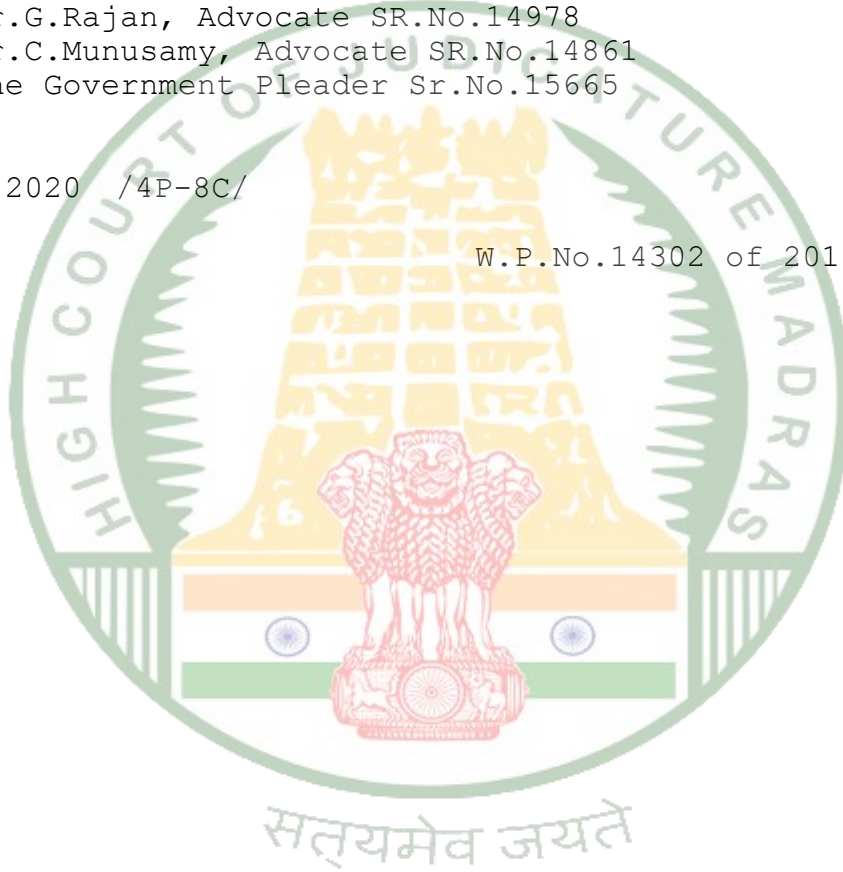
3. The Chairman
Tamil Nadu Civil Supplies Corporation
No.12, Thambu Samy Road
Kilpauk, Chennai-10.

4. The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Thambu Samy Road
Kilpauk, Chennai-10.

+lcc to Mr.G.Rajan, Advocate SR.No.14978
+lcc to Mr.C.Munusamy, Advocate SR.No.14861
+lcc to The Government Pleader Sr.No.15665

AKM/19.03.2020 /4P-8C/

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