

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.19461 of 2007

- 1.K.Sekar
- 2.Naina Mohammed
- 3.K.Paulraj

...Petitioners

(Amended the cause title as per order of this Court dated 06.07.2000 in M.P.No.2735 of 2000)

Vs.

1. The Secretary to Government,
Handloom, Handicrafts, Textiles and
Khadi Department,
Chennai - 600 009.
2. The Director of Sericulture,
249, II Agraharam,
Salem 636 002.
3. Asst. Director of Sericulture,
Meenakshinayakanpati Post,
Palani road,
Dindigul - 2.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents to grant to the petitioners the selection grade in the post of Junior Inspector of Sericulture with effect from 10.05.1989, 10.05.1990 and 13.08.1991 respectively.

For Petitioners

: Mr.C.K.Chandrasekaran
For Row and Reddy

For Respondents

: Mr.K.Magesh
Special Government Pleader

ORDER

This writ petition has been filed seeking to direct the respondents to grant the selection grade in the post of Junior Inspector of Sericulture with effect from 10.05.1989, 10.05.1990 and 13.08.1991 to the petitioners respectively.

2. Originally the first and second petitioners were appointed as Sericulture Operators and later on redesignated as Sericulture Demonstrator on 08.05.1981 and the third petitioner was appointed as Sericulture Demonstrator on 13.08.1981. Thereafter, Sericulture Demonstrator post was merged as Sericulture Inspector with revised scale of pay. It is the case of the petitioners is that they were completed ten years of service in the post of Junior Inspector. Though they were completed ten years of service in the post of Sericulture, selection grade was not granted to them. Hence, they filed this writ petition.

3. Heard learned counsel for the petitioner and learned Special Government Pleader appearing for the respondents.

4. Learned Special Government Pleader for the respondents would submit that the similarly placed like that of the petitioners herein have already filed writ petitions in W.P.No.28403 of 2011, 18031 of 2012 etc. By order dated 29.08.2012, the Single Bench of this Court allowed the writ petitions in favour of the petitioners. Against which department filed writ appeals in W.A.No.2782 of 2012 batch. The said writ appeals were allowed by the Hon'ble Division Bench of this Court on 27.08.2019 and direction issued to the department to revise the pension. The operative portion of the said Judgement is as follows:

" i) The appellants are directed to revise the pension being received by the respondents applying the same yardstick followed in the case of similarly placed persons, who got favourable orders;

(ii) Appropriate orders will have to be passed within 12 weeks from the date of receipt of a copy of this order;

(iii) The respondents are entitled for revised pension only prospectively i.e., from the date of the orders passed by the appellants."

5. Following the above decision of the Division Bench of this court, this writ petition is disposed of with a direction to the respondents to revise the pension being received by the petitioners applying the same yardstick followed in the case of similarly placed persons, who got favourable orders and pass

appropriate order within twelve weeks from the date of receipt of a copy of this order. It is made clear that the petitioners are entitled for revised pension only prospectively i.e., from the date of the orders to be passed by the respondents. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Handloom, Handicrafts, Textiles and
Khadi Department,
Chennai - 600 009.
2. The Director of Sericulture,
249, II Agraharam,
Salem 636 002.
3. Asst. Director of Sericulture,
Meenakshinayakanpati Post,
Palani road,
Dindigul - 2

+1cc to Mr.Row and Reddy, Advocate, SR40539
+1cc to The Government Pleader, SR40939

W.P.No.19461 of 2007

CO (AD)
BDL/18/01/2021

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