

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29281 of 2013

D. Kuppusamy

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. By its Secretary
Municipal Administration and
Water Supply Department,
Fort. St. George,
Chennai - 600 009.

2. The Director of Local Fund Audit,
Kuralagom IV Floor,
Chennai - 600 108.

3. The Commissioner
Tirupathur Municipality
Tirupathur,
Vellore District.

....Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to sanction the revised scale of pay recommended by the 3rd respondent's proceeding in Na.Ka.No.2461/2010/C1, dated 13.02.2012 and that of the recommendations of the 2nd respondent in Mu.Mu.No.11827/NOC3/2013, dated 23.05.2013 and thereby direct the respondents to sanction all difference of scale of pay.

For petitioner : Mr.A.R.Nixon

For respondents : Mr.S.Thangavel,
Spl. Govt. Pleader

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O R D E R

Petitioner has come up with this writ petition seeking direction to the 1st respondent to sanction the revised scale of pay recommended by the 3rd respondent's proceeding in Na.Ka.No.2461/2010/C1, dated 13.02.2012 and that of the recommendations of the 2nd respondent in Mu.Mu.No.11827/NOC3/2013, dated 23.05.2013 and thereby direct the respondents to sanction all difference of scale of pay.

2. It is the case of the petitioner that he was appointed as Revenue Assistant (Bill Collector) on 01.08.1975 and subsequently promoted and retired as Junior Assistant. That being so, the scale of pay of the petitioner was fixed below that of his junior in the post of Junior Assistant. Whiles, 3rd respondent forwarded proposal to the 2nd respondent recommending Selection Grade as per G.O. Ms.No.276, dated 07.08.1992. However, the said recommendations made by the 3rd respondent has not been followed by the 2nd respondent and thereby failed to implement the same and further stated that approval has to be obtained from the 1st respondent, since the petitioner retired from service. In this regard, the petitioner submitted various representations ventilating his grievances to the respondents, but the same was not considered. Hence, the present writ petition.

3. Learned counsel for the petitioner submits that the petitioner has put in thirty four years of service. Although recommendations were made by the 2nd and 3rd respondents to revise the scale of pay of the petitioner, the 1st respondent has not issued orders sanctioning the revised scale of pay. The petitioner has also submitted a representation in the above regard, which has evoked no response. Therefore, it would suffice, if a suitable direction is be issued to the 1st respondent to sanction scale of pay as per recommendations of the 3rd respondent and to sanction difference in revised scale of pay, within a time frame stipulated by this Court.

4. Learned Special Government Pleader appearing for the respondents though placed his contentions on the basis of the counter, however, has no objection to this Court issuing such a direction to the 1st respondent to pass orders on the recommendations issued by the 2nd and 3rd respondents pursuant to the representation of the petitioner.

5. In view of the fair stand taken by the learned counsel on either side, this Court without going into the merits of the case, issues a direction to the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the 1st respondent is directed to sanction revised scale of pay on the basis of the recommendations issued by the 2nd and 3rd respondents and pass orders on merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that the petitioner is not entitled for any interest on the payment, if any, made to him, pursuant to the directions of this Court.

6. In the above terms, the writ petition stands disposed of.
No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary
State of Tamil Nadu
Municipal Administration and
Water Supply Department,
Fort. St. George,
Chennai - 600 009.

2. The Director of Local Fund Audit,
Kuralagom IV Floor,
Chennai - 600 108.

3. The Commissioner
Tirupathur Municipality
Tirupathur,
Vellore District.

+1 CC to Mr.A.R.Nixon, Advocate sr 40268.
+1 CC to The Government Pleader sr 40382.

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SV(CO)
SP(12/02/2021)

सत्यमेव जयते

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