

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.35166 of 2013

J.John Jeyasekar

.. Petitioner

- Vs -

- 1.The Principal Secretary to
the Government,
finance Department,
Government of Tamil Nadu,
Chennai 600 009.
- 2.The Principal Secretary to
the Government,
Home Department,
Government of Tamil Nadu,
Chennai 600 009.
- 3.The Chairman,
Pay Grievance Redressal Cell,
Finance Department,
Government of Tamil Nadu,
Chennai 600 009.
- 4.The Chairman,
One Man commission for
Rectification of
Anomalies,
Govt. of Tamil Nadu,
Chennai 600 009.
- 5.The Chair Person,
Official Committee for
Implementation of
VI Central Pay Commission,
Government of Tamil Nadu,
Chennai 600 009.
- 6.The Director,
Forensics Sciences Department,
Mylapore, Chennai 600 004.

7.The Pay & Accounts Officer,
(East) Egmore, Chennai 600 008.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents herein to re-designate the petitioner as Librarian Grade-I and to fix the scale of pay a sum of Rs.5900-9900 (Subsequently revised as Rs.9300-34800+Grade Pay Rs.4500/-) as the Petitioners scale of pay for the post of Librarian Grade-I from the date of appointment i.e. 04-08-1997 with all consequential benefits and or any other order or direction which may deem fit and proper for the circumstances of the case.

For Petitioner: M/S.S.Kingston Jerold

For Respondents: Mr. A.N.Thambidurai, Spl.G.P.

ORDER

This Writ petition has been filed by the writ petitioner, to direct the respondents herein to re-designate the petitioner as Librarian Grade-I and to fix the scale of pay a sum of Rs.5900-9900 (Subsequently revised as Rs.9300-34800+Grade Pay Rs.4500/-) as the Petitioners scale of pay for the post of Librarian Grade-I from the date of appointment i.e. 04-08-1997 with all consequential benefits and or any other order or direction which may deem fit and proper for the circumstances of the case.

2.According to the petitioner, the petitioner was directly recruited by the Tamil Nadu Public Service Commission, and was appointed as Librarian in the Forensic Sciences Department, Chennai vide proceedings of the Director dated 02.08.1997. As per V Pay Commission, Librarian Grade II was merged with Librarian Grade I. The petitioner has been moved to the Selection Grade in the post of Librarian on 04.08.2007 after completion of 10 years of service. The grievance of the petitioner is for redesignation of the post of Librarian as Librarian Grade I w.e.f. 04.8.1997 and to fix the scale of pay in the scale of Rs.5900-9900 as against the pre revised scales of pay Rs.1820-3200 with corresponding revised scale of pay Rs.9300-34800 + Grade Pay Rs.4500 as per the orders issued in G.O.Ms.NO.308, Finance (Pay Cell) Department, dated 26.08.2010. Though several representations have been made by the petitioner to the respondents, however, till date no order has been passed and, hence the present petition.

3. A counter affidavit has been filed on behalf of the

respondent denying all the averments made by the petitioner.

4.Learned Special Government Pleader appearing for the respondents, in support of his contention, referred to Paragaph No.5, wherein it is submitted that the petitioner in his representations dated 13.03.2000, 20.03.2001 and 12.01.2006 had requested to redesignate and revise the pay of librarian, the Government vide 61099/Police -18/2000-5, dated 22.11.2000 letter No.46815/Pol-18/01-2, dated 04.10.2001 and Letter No.92208/ Pol-18/2007-3, dated 10.12.2007 informed that the said proposal could be considered only at the time of next Pay Commission.

5.This Court heard the submissions made by both side learned counsel and perused the materials available on record.

6.The facts in the present case are not disputed. On perusal of the counter affidavit, it reveals that representations made by the petitioner have already been considered by the authorities and the same was rejected. Hence, the grant of mandamus does not arise. In such view of the above fact, this petition stands dismissed. However there shall be no order as to costs. However liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrs

To

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the Government,
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+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No. 30607
+1cc to the Government Pleader, S.R.No. 30496

VSN II (CO)
GN(15/10/2020)

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