

IN THE HIGH COURT OF JUDICATURE AT MADRAS

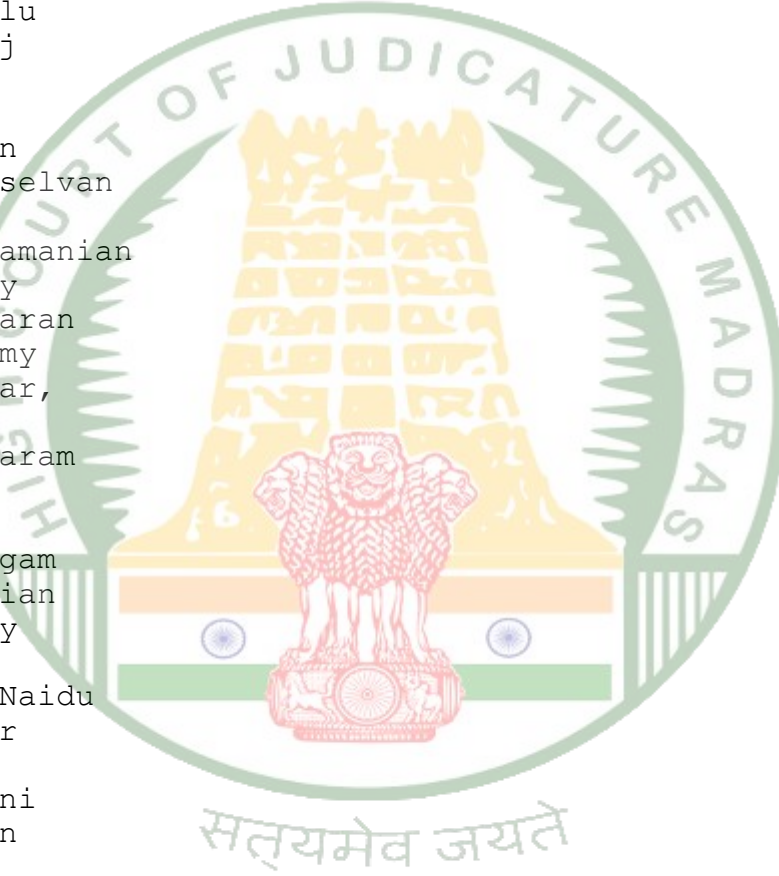
DATE : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.NO.5878 of 2013

- 1.Selvaraj
- 2.V.Rathinavelu
- 3.R. Durai Raj
- 4.M.Sankaran
- 5.V.Rathinam,
- 6.G.Arivalagan
- 7.B.Senthamilselvan
- 8.K.Rangasamy
- 9.S.Bala Subramanian
- 10.M.Kuppusamy
- 11.T. Gunasekaran
- 12.V.Kandhasamy
- 13.D.Gopisankar,
- 14.S.Durai,
- 15.S.Somasundaram
- 16.T.Manickam
- 17.M.Madhesan
- 18.S.M.Shanmugam
- 19.S.Subramanian
- 20.V.Kuppusamy
- 21.R.S.Rajan
- 22.R.Mukunda Naidu
- 23.G.Jayakumar
- 24.R.Anandan
- 25.J.Thangamani
- 26.N.Balarayan
- 27.M.Elango
- 28.D.Nandagopal
- 29.R.Mahalingam
- 30.S.Sambandha Mani
- 31.G.Mahalingam
- 32.R.Jayaseelan
- 33.K.Periyasamy
- 34.Siva Chellappa
- 35.P.Gandhiraja
- 36.R.Chandragandhan
- 37.G.Natarajan
- 38.S.Veluchami
- 39.A.Hariraja Krishnan



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40.S.Arumugam
41.P.R.Vaithiyanathan
42.V.Dhanusu
43.A.Karumugilan
44.V.Jayachandran
45.K.Chandra Kumar
46.T.Gopalakrishnan
47.P.Gopal
48.A.Somasundaram
49.P.Subramanian
50.N.Janarthanan
51.P.Thomson Durai Singh,
52.S.Venkataraman
53.R.V.Karunkakaran
54.C.Asokan

.. Petitioners

- Vs -

1.The State of Tamil Nadu
represented by the Secretary to Government,
Finance Department,
Fort. St. George,
Chennai-09.

2.The Accountant General of Tamil Nadu,
361, Anna Salai,
Chennai 81.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to revise the scale of pay of the petitioners as Rs.52090(Pay scale of Rs. 43390- Grade Pay Rs.8700) with effect from the date of promotion as Joint Directors of Agriculture as per the Additional Fitment Table No.17 with all consequential monetary benefits and arrears of pay.

For Petitioners: Mr. R.Prem Narayan

For Respondents: Mr. A.N.Thambidurai, Spl.G.P. For R1
:M/S. V.Vijay Shankar for R2

ORDER

The present writ petition has been filed by the petitioners to direct the respondents to revise the scale of pay of the petitioners as Rs.52090(Pay scale of Rs. 43390- Grade Pay Rs.8700) with effect from the date of promotion as Joint Directors of Agriculture as per the Additional Fitment Table No.17 with all consequential monetary benefits and arrears of pay.

2. According to the petitioners, the petitioners are retired Assistant Directors of Agriculture and Joint Director of Agriculture and now challenging the erroneous fixation of pay done at the instance of the second respondent in violation of the Government orders on the subject. Hence the present writ petition has been filed by the petitioners with the above said prayer.

3. Learned counsel appearing for the petitioners submitted that as per G.O.Ms.No.234, Finance (Pay cell) Department, dated 1.6.2009, implementing the recommendations of the Official Committee on Revision of Scales of Pay & Allowances, the government employee may exercise option to remain in the existing scale of pay until the date on which he earns his next or any subsequent increments in the existing scale of pay or until he vacates his post or ceases to draw pay in that pay scale. According to the said government order, the officials are entitled to exercise their options at their choice. Pursuant to the above said G.O., the petitioners are entitled for revision of pay as stipulated in the Additional Fitment Table No.17, which was refused by the second respondent by wrongly interpreting the Government Orders. After filing this petition, the respondents filed a counter affidavit, stating that the Government issued G.O.Ms.No.240, Finance (Pay cell) Department, dated 22.07.2013, which has permitted the employees a final opportunity to exercise any option within a period of six months from the date of issue of G.O. to come over to the revised Scale of Pay between 1.1.2006 and 31.05.2009, as a one-time measure in cases where option could not be exercised within the time limit to the advantage of the individual employees. Accordingly if the petitioners had exercised their options to remain in the pre-revised scale up to the date of promotion as Joint director, therefore, they become entitled for fixation of pay as per Additional Fitment Table No.17.

4. Learned Special Government Pleader appearing on behalf of the respondents submitted that, if representation has been made within the stipulated period and acknowledgment thereof is produced to the said effect before the respondents, this Court may direct the respondents to consider the claim of the petitioners in accordance with law within a particular time frame.

5. This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. However in the present case though the petitioners claim to have made a representation in the year 2013, however no acknowledgment was annexed along with this writ petition.

However, in the light of the stand taken by the learned counsel on either side and the further fact that G.O. Ms. No.240 is fully applicable to the case of the petitioners, provided they have satisfied the conditions prescribed therein, in the interest of justice, this Court directs the petitioners to submit a copy of the representation dated 31.12.2010 sent by them along with the acknowledgment relating to submission of the representation within the prescribed period along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on such representation along with acknowledgment being filed, the respondents are directed to consider the case of the petitioners in the light of G.O. Ms. No.240 and pass orders on the said representation on merits and in accordance with law within a period of three months thereafter.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary to Government,
Finance Department,
Fort. St. George,
Chennai-09.

2.The Accountant General of Tamil Nadu,
361, Anna Salai, Chennai 81

+1cc to Mr.R.Prem Narayan , Advocate SR.No. 25702
+1cc to Mr.V.Vijay Shankar , Advocate SR.No. 25731
+1 cc to Government Pleader Sr.No. 25745

A.SK(21/08/2020)

WP.NO.5878 of 2013