

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.5921 of 2013

- 1 M.GANGA
59 NORTH TANK STREET,
NO.12 NITHYAM APARTMENTS,
VENKATAPURAM, AMBATTUR,
CHENNAI- 53.
- 2 T.E.KANAGAVALLI
OLD NO.13 NEW NO.25 VASUDEVAPURAM,
DR. BESANT ROAD TRIPLICANE CHENNAI-5.
- 3 R.REVATHY
M32 1A BLOCK-2 SREE MAHALAKSHMI 4TH EAST
STREET, KAMARAJ NAGAR,
TIRUVANMIYUR CHENNAI- 41.
- 4 S.LAKSHMI
MIG-1544 T.N.H.B. COLONY,
VELACHERY, CHENNAI-42.
- 5 S.KUMARI
B1 AJANTHA ENCLAVE, NO.22 VELLALAR STREET
AMINJIKARAI, CHENNAI-29.
- 6 K.JANAKI
15/14 EASWAR APARTMENTS,
KARANEESWARAR KOIL STREET,
SAIDAPET, CHENNAI-15.
- 7 N.JAYARAMAN
NO.23/2 NAGARATHINAMMAL COLONY WEST
MAMBALAM CHENNAI-33.
- 8 M.AMBIGESWARI
NO.7B MANICKAVASAGAR STREET,
RAJAKILPAKKAM, KAMARAJAPURAM, CHENNAI-73.
- 9 TMT. M.SUNDARAM
PLOT NO.35 DOOR NO.3,
SRI BALAJI NAGAR EXTN.
KAMARAJAPURAM, ANAGAPUTHUR, CHENNAI-70.

- 10 C.RAJAREEHAM GUNASEKARAN
PLOT NO.160 FIRST CIRCLE ROAD,
SECRETARIAT COLONY, THORAIPAKKAM CHENNAI-97.
- 11 A.RAJENDRAN
NO.6 R.E.NAGAR 6TH STREET,
PORUR CHENNAI-116.
- 12 K.BALARAMAN
NO.331 SUNDARESAN ST. N.G.G.O. NAGAR
CHENGALPATTU-603001.
- 13 G.SANKARAN
NO.12/3 MANDAVELI STREET, CHENNAI-28.
- 14 K.M.WAZEERUDDIN
6/562 MOGAPPAIR WEST
(NEAR GANGAI AMMAN KOIL) CHENNAI-37.
- 15 TAHER ALI MEYAN
NO.80 (OLD NO.35) ANGAMUTHU STREET
ROYAPETTAH CHENNAI-14.
- 16 S.BABY PARIMALA
25/8 WELCOME COLONY,
THIRUMANGALAM, ANNA NAGAR, CHENNAI-101.
- 17 R.PATTABIRAMAN
NO.8/29 KAMBAR STREET,
NEW PERUNGALATHUR, CHENNAI-63.
- 18 P.K.SHANTHA
NO.12 AMMANI AMMAL STREET,
MANDAVELI, CHENNAI-28.
- 19 S.JAYARAMAN
H 14-I DOUBLE TANK COLONY,
DR.RAMASAMY SALAI, K.K.NAGAR, CHENNAI-78.
- 20 P.SUKUMARAN
NO.20/290 ANNA STREET,
THIRUVALLUVAR NAGAR, AYANAVARAM,
CHENNAI-23.
- 21 S.POOVATHI AMMAL
7/5 SAMBANGI STREET, K.K.NAGAR,
S.V.NAGAR (P.O), PERUNGALATHUR,
CHENNAI-63.

- 22 S.SHEIK MAGBUL
59/1 NEW STREET, MYLAPORE CHENNAI-4.
- 23 M.S.INDIRA
NO.141/1, ICF WEST COLONY, CHENNAI-38.
- 24 P.D.KUPPUSWAMY
19 KOVALAN MAIN ROAD, OLD PALLAVARAM
CHENNAI-117.
- 25 S.VIJAYAKUMAR
NO.14 ADI SANKARAN NAGAR,
LITTLE KANCHEEPURAM, KANCHEEPURAM-3.
- 26 K.PARVATHI
PLOT NO.250 SECRETARIAT COLONY,
OKKIYAM THORAIPAKKAM, CHENNAI-97.
- 27 GEETHA SANKARAN
OLD NO.55 NEW NO.68 G BLOCK 12TH ST.,
ANNA NAGAR EAST CHENNAI-102.
- 28 M.BABY CHRISTY BAI
OLD NO.2/41 NEW NO.8/33,
BAJANAI KOIL STREET, POZHICHALUR CHENNAI-74.
- 29 VASANTHARA VIJAYAKUMAR
20 21 PERUMAL KOIL STREET,
SRIVARI FLATS, SAIDAPET WEST, CHENNAI-15.
- 30 K.JAYALAKSHMI
271/5 THIRUVALLUVAR STREET,
SADANANDAPURAM, CHENNAI-63.
- 31 A.K.RAVIKUMAR
9 MARUTHI NAGAR MAIN ROAD,
MADAMBAKKAM, CHENNAI-126.
- 32 S.NA.RAMARAJ
PLOT NO.82 SECRETARIAT COLONY,
THORAIPAKKAM, CHENNAI-97.
- 33 V.B.SRINIVASAN
PLOT NO.550, SECRETARIAT COLONY,
THORAIPAKKAM CHENNAI-97.

- 34 Y.GNANA PRASAD
NO.6 III STREET CORPORATION LINE,
DHARMAPURAM, T.NAGAR CHENNAI-17.
- 35 N.V.SUMATHI
PLOT NO.166-A KARIKALAN STREET,
SECRETARIAT COLONY,
PADUVANCHERY CHENNAI-126.
- 36 M.S.PUNITHAVATHI
PLOT NO.144 NETHAJI STREET,
T.N.SECRETARIAT COLONY,
PADUVANCHERY CHENNAI-126.
- 37 S.KALYANI
PLOT NO.73 SECRETARIAT COLONY,
PADUVANCHERY, CHENNAI-126.
- 38 P.SHYAMALA BAI
NO.7 BHARATHI NAGAR 6TH STREET
THIRUMULLAIVOIL, CHENNAI-62.
- 39 J.KALAVATHI
PLOT NO.90/2 DOOR NO.5/69 BOOBALAM FLATS,
VENKATESA PERUMAL 1ST STREET,
MADIPAKKAM, CHENNAI-91.
- 40 J.SAROJA
NO.39/F4 METTU STREET,
KUNDRATHUR CHENNAI- 69.
- 41 M.MUTHUSWAMY
PLOT NO.6 KARPAGAVALLI STREET,
ASHOK NAGAR, AVADI CHENNAI-62.
- 42 G.CHANDRA CHRISTUMONY
58 AGARAM MAIN ROAD,
10 SECRETARIAT COLONY,
PADUVANCHERY CHENNAI-126.
- 43 S.VASANTHAKUMARI
M.I.G. 993 T.N.H.B. COLONY MAIN ROAD,
VELACHERRY, CHENNAI-42.
- 44 S.PARAMANIDHI
FLAT NO.F NEW WELL PARADISE,
2/50 DHANAPAL STREET,
WEST MAMBALAM CHENNAI-33.

- 45 G.PONRAJU
291 BRINDAVAN AVENUE, KAYARAMBEDU ,
GUDUVANCHERY VIA,
CHENGALPATTU TALUK-603202.
- 46 A.RAJENDRAN
E279 18TH STREET,
PERIYAR NAGAR CHENNAI-82.
- 47 G.ARUMUGAM
PLOT NO.6 DOOR NO.15 JAYATHEERTHA RAO ST.
LIC COLONY EXTN., PAMMAL, CHENNAI-75.
- 48 P.L.VIJAYAL
NO.4 KANNAN AVENUE 1ST STREET,
OLD PERUNGALATHUR CHENNAI-63. ..PETITIONERS
- Vs.
- 1 THE STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY TO GOVT.,
PERSONNEL AND ADMINISTRATIVE
REFORMS DEPT., FORT ST. GEORGE,
SECRETARIAT CHENNAI-9.
- 2 THE STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY TO GOVT.,
FINANCE DEPARTMENT, FORT ST. GEORGE,
SECRETARIAT CHENNAI-9. ..RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, Calling for the records of the respondents pertaining to G.O.(Ms.) No.112 Personnel and Administrative Reforms (U.Spl.) Department dated 13.7.2012 and quash the same in so far as the restrictions imposed with regard to the relief of upgradation/ stepping up of pay of seniors in one unit who are promoted as Assistant Section Officers from the Category of Typist/ Personal Clerk on par with the juniors in One Unit and who are in service on the date of issue of the G.O. are concerned and consequently direct the respondents to extend the benefit of upgradation/ stepping up of pay of the petitioners on par with their juniors in the Finance Unit and to implement the same with effect from 30.10.2009 similar to the orders passed in G.O.(Ms.) No.154, Personnel and Administrative Reforms (U.Spl.) Department, dated 30.10.2009.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.S.Thangavel,
Special Government Pleader

O R D E R

Writ petition challenging the Government Order in G.O.Ms.No. 112 Personnel and Administrative Reforms (U.Spl.) Department, dated 13.7.2012, have already been examined by this Court in W.P.No.25556 of 2013, dated 8.4.2014 and quashed the same insofar as the direction issued for upgradation/stepping up of pay on par with juniors in One Unit in paragraph No.6 and consequently, the respondents are directed to give similar benefit to the petitioner as granted to the promotees from the post of Assistant in G.O.(Ms.) No.154, dated 30.10.2009 by making necessary amendment to para 6 of G.O.(Ms.) No.112, dated 13.7.2012. So far as the prayer relating to quashing of paragraph No.14 (i.e. The date of effect to G.O.(Ms.) No.112, Personnel and Administrative Reforms (U-Spl.) Department, dated 13.7.2012 of the Government Order sixth read above, this Court rejected the prayer.

2. Challenging the aforesaid order, the department has preferred an appeal before this Court in W.A.No.971 of 2014 and the Division Bench of this Court by order, dated 18.3.2016 dismissed the appeal. Challenging the order passed in W.A.No.971 of 2014, dated 18.3.2016, the Government has preferred SLP before the Hon'ble Supreme Court in SLP No.12920 of 2016 and the SLP also was dismissed by the Hon'ble Supreme Court by its order, dated 29.7.2016. Therefore, the order passed in W.P.No.25556 of 2013 has become final. Thereafter, the Government issued G.O.(Ms.) No.31 Personnel and Administrative Reforms (U-Spl.) Department, dated 1.3.2017 wherein the Government considered and passed the following order:

'10. The Government also directs that the upgradation and stepping up of post and pay ordered for the persons who were promoted as Assistant Section Officers from the post of Personal Clerks and Typists is subject to the following terms and conditions:-

- i. The upgradation ordered shall take effect notionally with effect from the date of issue of G.O.(Ms.) No.112, personnel and Administrative Reforms (U-Spl.) Department, dated 13.7.2012 and with monetary benefit from the date of issue of this order.

- ii. In respect of the persons, who have retired between the period 13.7.2012 and the date of issue of this order, their post and pay shall be upgraded and stepped up on par with their juniors in Finance Unit notionally with effect from the date of issue of G.O.(Ms.) NO.112, Personnel and Administrative Reforms (U-Spl.) Department, dated 13.7.2012 and the pension alone on the revised pay shall be allowed with monetary benefit from the date of issue of this order.
- iii. The other terms and conditions prescribed in G.O.(Ms.) No.112, Personnel and Administrative Reforms (U-Spl.) Department, dated 13.7.2012 shall scrupulously be followed.
11. The appendix containing the list of beneficiaries in respect of Typist/ Personal Clerk promotee Assistant Section Officers including the petitioner Tmt. S.Saraswathy and consequential rectification of pay anomaly in respect of the senior Assistant promotee Assistant Section Officers in one Unit and Finance will be issued separately."

3. Following the aforesaid decision and in the light of Government Order issued in G.O.Ms.31 by the Personnel and Administrative Reforms (U-Spl.) Department, dated 1.3.2017, nothing survives for adjudication in the writ petition and consequently, the writ petition is dismissed.

4. In view of the above, the writ petition stands dismissed. No costs.

Sd/- जयते
Assistant Registrar

/True Copy/

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Sub Assistant Registrar

To

- 1 THE PRINCIPAL SECRETARY TO GOVT.,
STATE OF TAMIL NADU
PERSONNEL AND ADMINISTRATIVE REFORMS DEPT.,
FORT ST. GEORGE, SECRETARIAT CHENNAI-9.
- 2 THE PRINCIPAL SECRETARY TO GOVT.,
STATE OF TAMIL NADU
FINANCE DEPARTMENT, FORT ST. GEORGE,
SECRETARIAT CHENNAI-9.

+4 cc to M/s.M.Muthappan, Advocate Sr.No. 6467

+1 cc to The Government Pleader Sr.No. 7241

AKM/26.02.2020/8P- 8C /

W.P.No.5921 of 2013



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