



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.10913 & 10914 of 2014

A.Annamalai ... Petitioner in WP.No.10913/2014
P.Paramasivam ...Petitioner in WP.No.10914/2014

vs.

1. The Joint Secretary (Public)
Ex-Officio Director,
Department of Ex-Serviceman Welfare,
St.George Fort,
Chennai 600 009.
2. The Joint Director of Ex-Serviceman Welfare,
22, Rajah Muthiah Salai,
Chennai.
3. The Joint Secretary to Government,
Finance Department,
St.George Fort,
Chennai 600 009. Respondents in both WPs.
4. The Assistant Director of Ex Servicemen Welfare,
Tirunelveli at Palayamkottai. .. 4th Respondent in
WP.No.10913/2014
- 4.The Assistant Director of Ex Servicemen's Welfare,
Srivilliputhur,
Virudhunagar District. .. 4th Respondent in WP.No.10914/2014

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to grant revision of scale of pay of i.e. 15600-39100+ Grade Pay 5700 in the Selection Grade Post of Welfare Organizer to the petitioners with effect from 12/12/2007 as revised for the post of Superintendent in Tamil Nadu Ministerial Services as per Government letter No.63305/Pay cell/2010-5 dated 30/11/2010 as the Welfare Organizer post was a non promotive category, with consequential revision of pensionary benefits including arrears of salary and other benefits within the time frame to be fixed by this Court.



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In Both WPs.

For Petitioner : Mr.G.Sankaran

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

COMMON ORDER

As the relief sought for in both the petitions are similar, they are disposed of by this common order.

2.These writ petitions have been filed by the petitioners to direct the respondents to grant 6th Pay Commission Revision benefits with take effect from 1.1.2006 and with monetary benefits from 1.1.2007.

3.Learned counsel appearing for the petitioners submitted that though the petitions were filed for awarding 6th Pay Commission benefits to the petitioners, in the earlier round of litigation, this Court granted revised scale of pay to the petitioners on par with the Superintendent in the revised scale of pay. Accordingly, the respondent issued a G.O.Ms.No.210, Finance (Pay Cell) Department, dated 08.08.2011, implementing the said request, however, till date the selection grade pay was not granted to the petitioners. Hence it would suffice, if this Court permits the petitioners to make a fresh representation to implement the G.O.Ms.No.210, dated 8.8.2011 for awarding the selection grade pay within a reasonable time as fixed by this Court.

4.Per contra, learned Special Government Pleader appearing for the respondents filed a detailed counter, denying the averments made in the affidavit filed by the petitioners and contented that the post held by the petitioners is not inter transferable post and, hence comparing the petitioners post to the post of Superintendent post and awarding selection grade pay is within the domain of the Government and no positive direction can be issued in these petitions. However, it is submitted that if this Court issues a direction to the respondents to consider the petitioners representation, it will be considered in accordance with law, if not considered already.

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

6. In view of the limited relief sought for, without going into the merits of the issue, this Court permits the petitioners to make a fresh representation along with the copy of the order within a period of two weeks from the date of receipt of copy of



this order and on the submission of such representation, the 1st respondent is directed to consider the representation made by the petitioners, in accordance with law and pass orders thereon within a period of twelve weeks thereafter.

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7. With the above direction, these Writ petitions are disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Joint Secretary (Public)
Ex-Officio Director,
Department of Ex-Serviceman Welfare,
St. George Fort,
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5. The Assistant Director of Ex Servicemen Welfare,
Tirunelveli at Palayamkottai.

+1 cc to The Government Pleader, Sr.No. 36307

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CA(CO)
RMP(11/12/2020)