

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.6595 of 2017

V.Madavan Pillai

Petitioner

Vs

- 1.The Government of Tamil Nadu, by its Secretary  
Environment and Forest Department, Chennai-9
- 2.Arasu Rubber Corporation Limited (Government of  
Tamil Nadu Undertaking), by its Managing Director  
Vadasery, Nagercoil

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondents to accord Selection Grade to the Petitioner with effect from 16.06.1996 as Junior Assistant, in implementation of the order of this Court, dated 16.11.2010, passed in WP.No.17194 of 2000, with all service and monetary benefits.

For Petitioner : Mr.N.Rajan

For Respondents : Mr.K.J.Sivakumar, AGP

ORDER

- 1.The prayer in this Writ Petition is to issue a Writ of Mandamus to direct the Respondents to accord Selection Grade to the Petitioner with effect from 16.06.1996 as Junior Assistant, in implementation of the order of this Court, dated 16.11.2010, made in WP.No.17194 of 2000, with all service and monetary benefits.
- 2.The facts of the case are that the Petitioner had joined the services of the 2nd Respondent Corporation on 16.06.1986 as Junior Assistant and he was promoted as Assistant on 28.10.2005 and he retired from service on 31.05.2013 as Selection Grade Assistant. However, by order dated, 04.06.2009, Selection Grade was granted to the Petitioner only with effect from 22.09.1998

instead of 16.06.1996, on completion of 10 years of service. On the representation of the Petitioner, dated 16.12.1997, by order dated, 22.09.1998, the 1st Respondent had extended the benefit only with effect from the date of issuance of the order. Hence, the Petitioner along with another employee had filed WP.No.17194 of 2000, against the order dated, 22.09.1998 and seeking to extend the benefits of Selection Grade as per the Service Rules of the 2nd Respondent approved in the Government Order, dated 11.08.1988 read with Government Order, dated 28.03.1990 and the said Writ Petition was disposed of, by order dated, 16.11.2010, setting aside the order impugned therein in so far as extending the Selection Grade scheme to the Members of the Petitioner only with effect from 22.09.1998 and observing that the Members of the Petitioner Association therein, are entitled to get the benefit from the year 1994 and thereafter, from the date on which the benefit of Selection Grade was given to them. Since the said order dated, 16.11.2010 has not been so far implemented by the 2nd Respondent, the Petitioner had sent a representation dated 02.05.2016 to the 2nd Respondent, seeking to implement the said order. Since the Respondents have not taken any steps in this regard, this Writ Petition has been filed, seeking the reliefs as stated above.

3. This Court heard the learned counsel on either side and also perused the materials placed on record.
4. According to the learned counsel for the Petitioner, as per the Rules framed by the 2nd Respondent Corporation, Selection Grade ought to be granted on completion of 10 years of service and the order dated 16.11.2010 made in WP.No.17194 of 2000 has not been implemented by the Respondents so far, on the ground that they had filed an appeal in WA.SR.No.55336 of 2015 against the order dated 16.11.2010 and the Respondents are attempting to take shelter behind an appeal with a delay of about five years. If the said order is not implemented, the Petitioner will be put to irreparable loss and injury.
5. Separate counter affidavits have been filed by both the Respondents. According to the counter filed by the 2nd Respondent, challenging the order, dated 16.11.2010 made in WP.No.17194 of 2000, the 2nd Respondent had preferred an appeal in WA.SR.No.55336 of 2015 before this Court and the same is pending at the SR Stage. The main contention of the Respondents is that the order dated 16.11.2010 has not been implemented, in view of the pendency of the said appeal before this Court.
6. Admittedly, the appeal in WA.SR.No.55336 of 2015 preferred against the order dated, 16.11.2010, is still yet to be numbered and nearly five years, no steps have been taken by the Respondents even to number the appeal and agitate the matter before this Court. Hence, the said contention of the

Respondents cannot be sustained. Therefore, considering the facts and circumstances of the case, in the interest of justice, the Respondents are directed to implement the order of this Court, dated, 16.11.2010 made in WP.No.17194 of 2000, within a period of twelve weeks from the date of receipt of a copy of this order. However, it is made clear that such implementation of the order dated, 16.11.2010 will be subject to the outcome of the order to be passed by this Court in the aforesaid appeal in WA.SR.No.55336 of 2015. It is also open to the Respondents to take appropriate steps to get an order in the aforesaid appeal within the said period.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Srcm

To

1. The Secretary,  
Government of Tamil Nadu,  
Environment and Forest Department, Chennai-9
2. The Managing Director,  
Arasu Rubber Corporation Limited (Government of Tamil Nadu  
Undertaking), Vadasery, Nagercoil

+1cc to Mr.N.Rajan, Advocate sr.6140

+1cc to Special Government Pleader(Forest) sr.6377

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