



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.2633 of 2012

and

M.P. (MD) .No.1 of 2012

WEB COPY

V.Radhakrishnan

... Petitioner

Vs.

1.The Executive Engineer,
Water Resources Organization
(River Conservancy Division),
Public Works Department,
Trichy -1.

2.The Assistant Executive Engineer,
Water Resources Organization,
(River Conservancy Sub-Division),
Public Works Department,
Musiri, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the 2nd respondent in his proceedings in No.KO26/2010/(Vu)/ dated 05.07.2010 and to quash the same in respect of fixing 27.06.1989 as the date for Special Grade in the post of Irrigation Inspector and consequently to direct the respondents to fix and pay Special Grade benefits in favour of the petitioner with effect from 01.10.1988 in the scale of pay of Rs.1640-2600 based on the representation of the petitioner dated 13.10.2011.

For petitioner

: Mr.B.Saravanan

For respondents

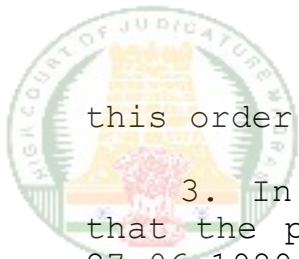
: Mr.S.Dhayalan,

Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner praying to quash the order dated 05.07.2010, denying the request of the petitioner seeking Special Grade with effect from 01.10.1988, instead 27.06.1989.

2. The contention of the petitioner is that even though he was eligible to be given Special Grade from 01.10.1988, there was a delay on the part of the respondents in giving the Special Grade. Therefore, the said delay cannot be put against the petitioner, as the Government order issued in G.O.Ms.No.304, Finance (Pay Commission) Department, dated 28.03.1990, clearly states the revised pay fixed shall take effect from 1st June, 1988 for those who moved to Selection Grade / Special Grade prior to 27th June, 1989. It is further stated that the arrears of pay and allowances consequent on



this order shall be regulated as per paragraph 8 of the G.O.

3. In the light of the said Government Order, it is evident that the petitioner is eligible to get Special Grade Pay prior to 27.06.1989 and he is entitled to get arrears from the said date by the revision of pay. The contention of the respondents that he was not actually given benefit prior to 1989 cannot be accepted for the reason that it is the duty of the respondents to give Special Grade on completion of ten years of service. As the petitioner was given Selection Grade with effect from 01.10.1978, atleast he is entitled to get Special Grade from 01.10.1988. The said date, namely 01.10.1988, being prior to 27.06.1989, the impugned order is liable to be set aside. An employee, who was similarly placed as that of the petitioner, has been granted such benefit by this Court in W.P. (MD).No.2557 of 2012 (V. Perumal (died) Vs. The Executive Engineer, Water Resources Organization (River Conservancy Division), Public Works Department, Trichy-1.), vide order dated 12.07.2013.

4. In view of the above, the impugned order is set aside in respect of fixing 27.06.1989 as the date for Special Grade and the respondents are directed to fix the petitioner's Special Grade from 01.10.1988 in the scale of pay of Rs.1640-2600 and pay the arrears and consequential benefits within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg

To

1.The Executive Engineer,
Water Resources Organization
(River Conservancy Division),
Public Works Department,Trichy -1.

2.The Assistant Executive Engineer,
Water Resources Organization,
(River Conservancy Sub-Division),
Public Works Department,
Musiri,Karur District.

+1CC TO Spl.Govt.Pleader, Sr.No.1955

W.P.(MD) No.2633 of 2012

10.01.2020