

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3162 of 2021

E.Swapna Devi

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Department of Industries,
Fort St. George,
Chennai - 600 009.

2. The M/s.TIDEL Park Limited,
Rep. By Managing Director,
No.4, Rajiv Gandhi Salai,
Taramani, Chennai - 600 113.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to pay the petitioner in the cadre of Personal Assistant on par with the same cadre in TIDCO with retrospective effect with all attendant and service benefits in a time bound manner.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.J.Pothiraj,
Special Government Pleader

सत्यमेव जयते
O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to pay the petitioner in the cadre of Personal Assistant on par with the same cadre in TIDCO with retrospective effect with all attendant and service benefits.

2. By consent of both sides, final orders are passed in the writ petition. Mr.J.Pothiraj, learned Government Advocate takes notice for respondents.

3. The case of the petitioner is that the petitioner who is working as a Steno-typist in the 2nd respondent Institution at regular pay scale, after being promoted to the post of Personnel

Assistant, is fixed at a Scale of pay of Rs.5,200 with Grade Pay Rs.2,400/- in the pay band. According to the petitioner, the pay scale fixed in the promoted post is not equivalent to Grade pay of other Personal Assistant in TIDCO. Further, it is stated that the petitioner was called by the Managing Director of the 2nd respondent to be present for duty on 09.04.2002. The petitioner has replied that since there was a severe spread of COVID-19, the petitioner could not be present on the same day due to her immune deficiency. It is the grievance of the petitioner that the said reply was taken as offensive by the 2nd respondent and the 2nd respondent has not settled the monetary benefits due to her. Therefore, the petitioner has come before this Court with the present Writ petition claiming, equal pay for equal work.

4. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 23.02.2018, but the same is yet to be disposed of by the 2nd respondent. However, the learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the 2nd respondent on merits.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the 2nd respondent to consider the representation of the petitioner dated 23.02.2018 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

6. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the representation dated 23.02.2018 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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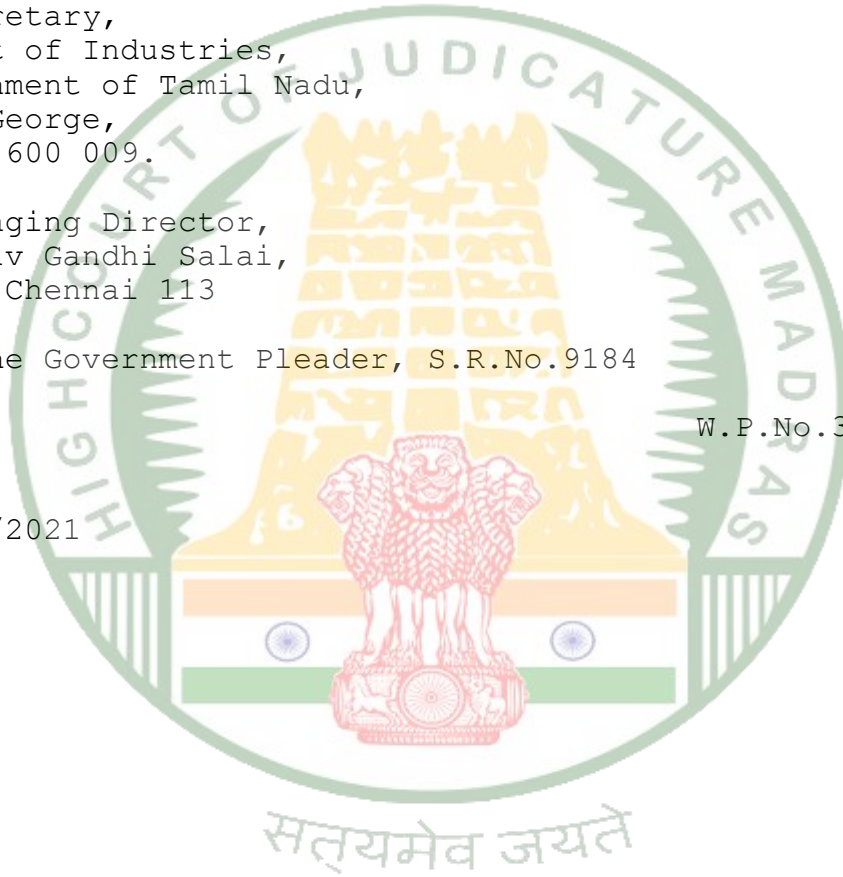
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Department of Industries,
The Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
No.4, Rajiv Gandhi Salai,
Taramani, Chennai 113

+1cc to the Government Pleader, S.R.No.9184

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RSV(CO)
KKV/18/03/2021



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