



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

WEB COPY

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.27420 of 2009
and M.P.Nos.3/2009 & 1/2010

1.V.Manickam
2.P.Srinivasan
3.C.Kannaiyan
4.M.Anbalagan
5.A.Ayyavoo
6.R.Murugesan
7.M.Kaliyamurthy
8.K.Perumal
9.V.Subramani
10.A.Varadarajan
11.A.Selvakumar
12.V.Saravanan
13.M.Sundararajan
14.T.Ganesan
15.A.Jagannathan
16.V.Selvan
17.R.Sankar
18.K.Karunanidhi
19.R.Asaikkili
20.S.Pappathi
21.Geetha
22.A.Mallika
23.Chithra
24.Valiammal

...Petitioners

vs.

1.The Director of Adi Dravidar Welfare,
Chepauk, Chennai-600 005.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Salem.

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to Pro.Na.Ka.No.54763/2007/D4 dated 15.12.2009, quash the same and issue consequential direction to the respondents to regularly absorb the petitioners as Cook with effect from the dates of their initial appointment with all consequential benefits.

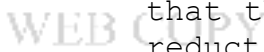
For Petitioners : Mr.S.Balakrishnan
for M/s.M.Ravi

For Respondent : Mr.J.C.Durairaj,
Additional Government Pleader

O R D E R

The challenge in this writ petition is to the order of the second respondent dated 15.12.2009, in and by which the petitioners' Time Scale of Pay was altered and reverted back to consolidated monthly pay.

2. It is the case of the petitioners that they have been appointed as Cooks during December 2006 and January 2007 through District Employment Exchange, Salem in the hostels and schools run by Adi Dravidar and Tribal Welfare Department in Salem District. Initially the petitioners were appointed in a consolidated monthly pay of Rs.850/- and subsequently, based on the proceedings of the first respondent dated 21.06.2007, they were placed in regular Time Scale of Pay of Rs.2550-55-2660-60-3600, vide proceedings of the second respondent dated 27.12.2008. While so within a period of one year, to their shock and surprise, the second respondent, vide proceedings dated 15.12.2009, the order passed in proceedings of the second respondent dated 27.12.2008 bringing the petitioners to regular time scale of pay, has been ordered to be kept in abeyance, until further orders. It has been further ordered that the petitioners shall rejoin duty in the places at which they were drawing consolidated monthly pay of Rs.850/-. It is stated by the first respondent that during the internal audit conducted at the office of the second respondent it was found that the placement of the petitioners in time scale of pay is not in order while proposals are pending with the Government and by such action of the second respondent, loss to the tune of Rs.2,04,000/- p.m. had been caused to the Government. The copy of the proceedings of the first respondent dated 24.09.2009 has



3. The learned counsel for the petitioners would submit that the petitioners have not been put on notice before ordering reduction of their scale of pay, vide order of the second respondent dated 15.12.2009 and on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

5. This Court has considered the submissions made and also perused the materials placed before it.

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the competent authority and the second respondent has mistakenly passed orders bringing the petitioners under regular Time Scale of Pay and only in order to rectify the mistake, the impugned order came to be passed. A perusal of the impugned order would also disclose that the petitioners have not been afforded with opportunity before passing the impugned order and on that ground, the impugned order is liable to be set aside and the matter be remitted back to the first respondent for fresh consideration.

7. Accordingly, this Writ Petition is allowed and the impugned order of the second respondent in Pro.Na.Ka.No.54763/2007/D4 dated 15.12.2009 is set aside and the matter is remitted to the first respondent to consider afresh, after affording opportunity to the petitioners and shall pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Interim Order already granted shall stand closed and consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Jvm

To

1.The Director of Adi Dravidar Welfare,
Chepauk, Chennai-600 005.

2.The District Adi Dravidar and Tribal Welfare Officer,
Salem.

+1 CC to The Government Pleader sr 66165.

W.P.No.27420 of 2009

SJ(CO)
SP(23/12/2021)