

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 2684 of 2012

Tamil Nadu Highways Road,
Inspectors Association (Regn. No.127/2011),
No.3/690-3, Old Sivakasi Road,
Virudhunagar - 626 001,
Virudhunagar District.
Represented by its
Secretary M.Marimuthu. Petitioner

-vs-

1. The Government of Tamil Nadu,
Represented by
The Secretary to the Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 600 009.
2. The Secretary to the Government,
Government of Tamil Nadu,
Highways Department,
Fort St.George,
Chennai - 600 009.
3. The Director General,
Highways Department,
PWD Complex, Kamarajar Salai,
Chennai - 600 005. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to revise the Grade Pay of Road Inspector Grade-II from Rs.2000 to Rs.2400, Rs.5200-20200 with notional effect from 01.01.2006 and monetary benefit from 01.03.2011 as done in the equivalent categories by orders issued by the first respondent in G.O.Ms.No.45, Finance (Pay Cell) Department, dated 10.02.2011, G.O.Ms.No.64, Finance (Pay Cell) Department, dated 26.02.2011, G.O.Ms.No.65, Finance (Pay Cell) Department, dated 26.02.2011, G.O.Ms.No.67, Finance (Pay Cell) Department, dated 26.02.2011 and G.O.Ms.No.69, Finance (Pay Cell) Department, dated 26.02.2011 and grant all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents: Mrs.K.Bhuvaneswari

Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to revise the Grade Pay of Road Inspector Grade-II from Rs.2000 to Rs.2400, Rs.5200-20200 with notional effect from 01.01.2006 and monetary benefit from 01.03.2011 as done in the equivalent categories by orders issued by the first respondent in G.O.Ms.No.45, Finance (Pay Cell) Department, dated 10.02.2011, G.O.Ms.No.64, Finance (Pay Cell) Department, dated 26.02.2011, G.O.Ms.No.65, Finance (Pay Cell) Department, dated 26.02.2011, G.O.Ms.No.67, Finance (Pay Cell) Department, dated 26.02.2011 and G.O.Ms.No.69, Finance (Pay Cell) Department, dated 26.02.2011 and grant all consequential benefits.

2. The grievance of the petitioner is that, the Grade Pay to be revised for the petitioner to the next pay scale, i.e., Rs.5200-20200 plus Grade Pay and to pay the same.

3. When this Writ Petition is taken up for hearing Mrs.K.Bhuvaneshwari, learned Additional Government Pleader appearing for the respondents would submit that, the prayer sought for in this Writ Petition has already been accomplished and in this regard, she has relied upon the averments made in the counter affidavit filed by the respondents, which reads thus:

"12. It is submitted that the petitioner cannot seek the revised pay on par with the some other posts as each and every posts are having different nature of work. The petitioner has again and again put-forth the very same allegations throughout his affidavit. The prayer of the petitioner has been complied with and pay was revised from Rs.5200-20200 + Grade Pay Rs.2000 to Rs.5200 - 20200 + Grade Pay Rs.2400 notionally with effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay with monetary benefit from 01.04.2013. Therefore, this Writ Petition is devoid of merits and liable to be dismissed."

4. By relying upon the same, the learned Additional Government Pleader appearing for the respondents would submit that, the pay has been revised with Grade Pay notionally with effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay and the monetary benefits has also been conferred from 01.04.2013. Therefore, the prayer has been fully met already by the respondents and therefore nothing survives for further adjudication. The said position was not controverted by the learned counsel appearing for the petitioner. Therefore, in view of the above compliance since have already been made, where the prayer sought for by the petitioner in this Writ Petition has already been accomplished, this Court feels that, no further issue is pending in this Writ Petition for adjudication.

5. Therefore, recording the aforesaid development, this Writ Petition is disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to the Government,
The Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 600 009.
2. The Secretary to the Government,
Government of Tamil Nadu,
Highways Department,
Fort St.George, Chennai - 600 009.
3. The Director General,
Highways Department,
PWD Complex, Kamarajar Salai,
Chennai - 600 005.

+ 1 cc to Government Pleader Sr.15414

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SSN(CO)
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