

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7755 of 2021

K.Palanisamy

... Petitioner

-vs-

1. The Secretary to Government,
Finance (PC) Department,
Fort St. George,
Chennai - 600 009.
 2. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
 3. The Principal Accountant General,
(A & E) TN
No.361, Anna Salai,
Chennai - 60 018.
 4. The Principal,
Government Engineering College,
Salem - 11, Salem District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to re-fix the petitioner's salary as per Annexure - 1 / Serial No.8 of Government letter No.63305/Pay Cell/2010-1, dated 08.11.2010 and consequently direct the respondents to pay the arrears thereof with interest to the petitioner by considering the representation dated 03.06.2016.

For Petitioner : Mr.M.Elango

For Respondents: Ms.P.V.Rajeswari, (for R1)
Additional Government Pleader
Mr.Karthikeibalan, (for R2 to R4)
Government Advocate.

O R D E R

This Writ petition is filed, seeking a direction to the respondents to re-fix the petitioner's salary as per Annexure - 1 / Serial No.8 of Government letter No.63305/Pay Cell/2010-1, dated 08.11.2010 and consequently direct the respondents to pay the arrears thereof with interest to the petitioner by

considering the representation dated 03.06.2016.

2.Ms.P.V.Rajeswari, learned Additional Government Pleader takes notice for R1 and Mr.Karthikeibalan, learned Government Advocate takes notice for R2 to R4. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that the petitioner was initially appointed as Lab Assistant in the 4th respondent College and he was conferred with Selection Grade on 07.11.1993 and awarded with Special Grade on 07.11.2003 and retired from service on 31.05.2014, after attaining the age of superannuation. While so, the 1st respondent has passed an order vide letter dated 08.11.2010, revising the pay scale of Selection Grade / Special Grade employees who were conferred the same on or before 01.01.2006 and the benefit of the said order has been extended to many of the Government employees working in the 4th respondent College except the petitioner herein. Therefore, the petitioner has made a representation dated 24.10.2013 to re-fix his salary as per the said letter. Thereafter, on 08.05.2014, the 4th respondent has made recommendation to the 2nd respondent with regard to extension of the said benefit to the petitioner. However, the 2nd respondent has not passed any order to extend the said benefit based on the recommendation even after submitting another representation, dated 03.06.2016. Hence the petitioner is before this Court, with the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 03.06.2016 taking into account the recommendation of the 4th respondent, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a

later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 03.06.2016 and this order, to the respondents forthwith;

v) 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government,
Finance (PC) Department,
Fort St. George,
Chennai - 600 009. सत्यमेव जयते
2. The Commissioner,
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3. The Principal Accountant General,
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4. The Principal,
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Salem - 11, Salem District.

+1cc to Mr.M.Elango, Advocate SR.No.20084

+2cc to Government Pleader SR.No.19931, 19714

W.P.No.7755 of 2021

AD(CO)

GMV(16/06/2021)



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