

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.7550 and 7553 of 2021

- | | |
|----------------|---------------------------------------|
| 1. T.Lakshmi | ... Petitioner in W.P.No.7550 of 2021 |
| 2. K.Thenmozhi | ... Petitioner in W.P.No.7553 of 2021 |

-vs-

- | | |
|---|-----------------|
| 1. The District Collector (Development Section),
Kallakurichi District,
Kallakurichi. | |
| 2. The Block Development Officer (B.P),
Thirukoviloor Panchayat Union,
Kallakurichi District. | ... Respondents |

Common Prayer: Petitions are filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents herein to re-fix the pay scale of the petitioners in the light of G.O.Ms.No.325 dated 22.07.2013 with consequently monetary benefits based on the petitioners' representations dated 10.02.2021.

For Petitioners : Mr.M.Prabhu

For Respondents : Mr.P.V.Selvakumar
Addl. Govt. Pleader

C O M M O N O R D E R

As the issue involved in these cases is one and the same, they are taken up together final disposal.

2. Heard the learned counsel for the petitioners and Mr.P.V.Selvakumar, learned Additional Government Pleader for the respondents.

3. The common prayer in these Writ Petitions is to direct the respondents herein to re-fix the pay scale of the petitioners in the light of G.O.Ms.No.325 dated 22.07.2013 with consequential monetary benefits based on the petitioners' representations dated 10.02.2021.

4. The case of the petitioners is that they were appointed as Road Inspectors Grade-II through Employment Exchange on temporary basis and thereafter, their services

were regularized with the Grade pay of Rs.2,000/-, which they have been drawing till their next promotion. The further case of the petitioners is that though they are entitled to revision of scale of pay in the light of G.O.Ms.No.325 Finance (Pay Cell) Department dated 22.07.2013, their pay has neither been revised nor paid any monetary benefits from 01.04.2013. Though the petitioners sent representations dated 10.02.2021 to the respondents, the respondents did not take any steps either to dispose of the representation. Hence, the petitioners, having left with no other efficacious remedy, have approached this Court by filing these Writ Petitions.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representations are already pending with the respondents, these Writ Petitions are disposed of with the following directions:

i) A direction is issued to the respondents herein, more particularly 2nd respondent, to consider the representations of the petitioners dated 10.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of sixty days from the date of receipt of a copy of this order, in the light of G.O.Ms.No.325 dated 22.07.2013, if applicable;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are 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 petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representations, to the petitioners 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 petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, 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 petitioners, later on, will not take a plea that the petitioners are not aware of the order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector (Development Section),
Kallakurichi District,
Kallakurichi.
2. The Block Development Officer (B.P),
Thirukoviloor Panchayat Union,
Kallakurichi District.

+1cc to the Government Pleader, S.R.No. 21439, 21440

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SR II(CO)
GN(12/07/2021)

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