

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.6726 of 2015 &
W.M.P.No.12933 of 2017

1. G.Arumugam
 2. G.Perumal
 3. M.Subramanian
 4. G.Ramachandran
 5. G.Palanisamy
 6. J.Arputharaj
 7. A.K.Ragavan
 8. P.Ranganathan
 9. A.Sundaramurthy
- ... Petitioners

Vs

1. State of Tamil Nadu rep. by Secretary,
Finance Department,
Fort St. George, Chennai - 9.
2. The Secretary,
P & AR (Per.S.) Department,
Fort St. George, Chennai - 9.
3. The Secretary,
Highways Department,
Fort St. George, Chennai - 9.
4. Principal Director,
Highways Department,
Chennai - 5.
5. The Chief Engineer,
Highways Department,
Chepauk, Chennai - 5.
6. The Divisional Engineer,
Highways Department,
Villupuram.
7. The Accountant General,
Anna Salai, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to implement the G.O.Ms.No.210 Personnel and Administrative Reforms (Pers.S) dated 11.03.1987 and consequent Order in Memorandum

No.14033/Nir 4 (3)/2014 dated 11.12.2014 passed by the fourth respondent and pay all arrears of pay and pension to the petitioners.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader - R1 - R6

Mr.S.Balaji - R7

ORDER

This writ petition has been filed to direct the respondents to implement G.O.Ms.No.210 Personnel and Administrative Reforms (Pers.S) dated 11.03.1987 and consequent order in Memorandum No.14033/Nir 4 (3)/2014 dated 11.12.2014 passed by the fourth respondent and pay all arrears of pay and pension to the petitioners.

2.It is the case of the petitioners that they are retired Road Inspectors worked in the respondent Department and served for more 30 years without any promotion. While so, the Government, as per the recommendations of the one Man Committee, passed G.O.Ms.No.210, Personnel and Administrative Reforms (Per-S) Department dated 11.03.1987, thereby the service in the selection grade of the lower post shall be counted for the selection grade in the promoted post, provided that the selection grade scale of the lower post is identical to the ordinary grade of the higher post and that, the concession be allowed only at the first promotion level. The said Government Order further directed that in the case of posts with different grades, one who has put in 10 years or more of service in the lower post (eg. Grade II) shall be advanced to the next higher post (i.e., Grade I) under the scheme of Flexible Complementing and one with a service of 20 years or more be advanced to selection grade of the higher post (i.e. Grade I) wherever it has already been provided. Based on the said G.O., the respondents are bound to pay the selection grade road Inspector Grade I to the petitioners, on completion of their 10 years of service, inasmuch as the selection grade Road Inspector grade II salary and ordinary grade Road Inspector Grade I salary are one and the same. Hence, the petitioners made a representation to the respondents on 12.02.2013. Pending the same, the fourth respondent issued a Memorandum bearing No.14033/Nir 4(3)/2014 dated 11.12.2014, recommending the claim of the petitioners, in the light of the said Government Order. Despite the same, no order was passed on the said representation. Hence, this writ petition.

3.The learned counsel for the petitioners submitted that the petitioners would be satisfied, if their representation dated 12.02.2013 claiming the relief as sought in this writ petition, is directed to be considered by the respondents, in the light of the aforesaid G.O.210 dated 11.03.1987 and the subsequent memorandum dated 11.12.2014, within a time frame to be stipulated by this Court.

4.On the other hand, the learned Special Government Pleader appearing for the respondents has no serious objection for granting such relief to the petitioners.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 12.02.2013 submitted by the petitioners, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the aforesaid G.O.Ms.No.210, P&AR(Pers.S) Department, dated 11.03.1987 passed by the Government and the memorandum no.14033/Nir 4(3)/2014 dated 11.12.2014 issued by the fourth respondent. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary,
Finance Department,
Fort St. George, Chennai - 9.
2. The Secretary,
P & AR (Per.S.) Department,
Fort St. George, Chennai - 9.
3. The Secretary,
Highways Department,
Fort St. George, Chennai - 9.

4. The Principal Director, Highways Department,
Chennai - 5.

5. The Chief Engineer, Highways Department,
Chepauk, Chennai - 5.

6. The Divisional Engineer,
Highways Department,
Villupuram.

7. The Accountant General,
Anna Salai, Chennai.

+1cc to Mr.K.M.Ramesh, Advocate SR.No. 6843

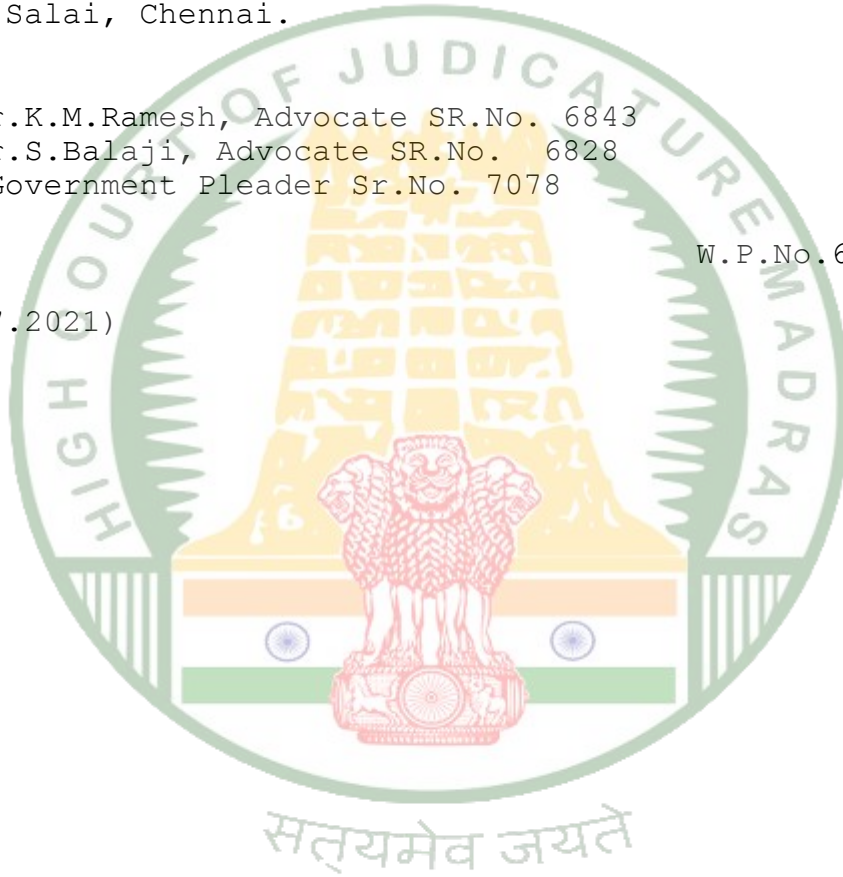
+1cc to Mr.S.Balaji, Advocate SR.No. 6828

+1 cc to Government Pleader Sr.No. 7078

W.P.No.6726 of 2015

ss (CO)

A.SK(07.07.2021)



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