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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14035 of 2021

1. M.Elumalai
2. S.Chinnappan
3. R. Nagamani
4. M.Venkataramanujam
5. S.A. Abhul Shukkoor
6. S.Sankaran
7. P.Manoharan
8. A.Subramanian
9. P.V. Venkatesan

... Petitioners

Vs

1. The Government of TamilNadu,
rep. by the Secretary to the Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Government of Tamil Nadu,
rep. by the Secretary to the Government,
Finance (Pay Cell) Department,
Fort. St. George,
Chennai - 600 009.
3. The Director,
Tamil Nadu Motor Vehicles Maintenance Department,
Ashok Nagar,
Chennai - 600 083.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to grant 5% Personal Pay to the petitioners with effect from 01.08.1992 in the light of the orders passed by the Division Bench of this Court in W.P. No.28505 of 2006, dated 26.06.2008 and also the order passed by this Court in W.P. No.22616 of 2011, dated 10.01.2020 and grant all consequential benefits to the petitioners including revision of pay and payment of arrears.



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For petitioner

... Mr.P.Manoj Kumar

For respondents

... Mr.C.Kathiravan,
Govt. Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. This writ petition has been filed seeking for a Mandamus to the respondents to grant 5% Personal Pay to the petitioners with effect from 01.08.1982 in the light of the orders passed by the Division Bench of this Court in W.P. No.28505 of 2006, dated 26.06.2008 and also the order passed by this Court in W.P. No.22616 of 2011, dated 10.01.2020 and also grant all consequential benefits due to the petitioner including revision of pay and payment of arrears.

2. The petitioners are all working in the Tamil Nadu Motor Vehicle Maintenance Department. According to them, they have been denied the Personal Pay of 5%. It is their case that the denial of 5% Personal Pay on the ground that the pre-revised scale of pay was not one amongst the scale of pay mentioned in G.O. Ms. No.664, Finance (PC) Department, dated 24.08.1992 is illegal as per the decision of the Division Bench of this Court in WP No.20156 and 13143 of 2000.

4. Heard Mr.P.Manojkumar, learned counsel for the petitioners and Mr.C. Kathiravan, learned Government Advocate accepts notice on behalf of the respondents.

5. The learned counsel for the petitioners is satisfied if the representation of the petitioners dated 30.03.2021 is considered on merits and in accordance with law by the respondents.

6. No prejudice would be caused to the respondents, if the petitioners' representation, dated 30.03.2021 is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the 3rd respondent to consider the petitioners' representation, dated 30.03.2021 requesting them to grant 5% Personal Pay to them in the light of the aforementioned decisions and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the aforesaid direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary,
Government of TamilNadu
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Secretary,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort. St. George,
Chennai - 600 009.
3. The Director,
Tamil Nadu Motor Vehicles Maintenance Department,
Ashok Nagar,
Chennai - 600 083.

+1cc to Mr.P.Rajendiran , Advocate SR.No.32565

+1 cc to Government Pleader Sr.No.32581

W.P. No.14035 of 2021

UM(CO)
GN(04.08.2021)