

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25592 of 2014

T.R.Desikachari

... Petitioner

Vs.

1. The State of Tamilnadu rep. by is
Secretary to Government,
Municipal Administration & Water Supply Department,
Chennai – 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai – 5.
3. The Commissioner of Madurai Corporation,
Madurai – 2.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to extend the benefits of G.O.(Pa).No.307, MA & WS Department, dated 09.08.2011 to the petitioner also in regard to advance increment for passing Account Test and grant all consequential benefits to the petitioner.

For Petitioner : Mr.G.Elanchezhiyan
For Respondents : Mr.J.Ramesh, AGP – R1 & R2
Mr.T.Shanmugam – R3

ORDER

This writ petition has been filed by the petitioner seeking a mandamus, to direct the first respondent to extend the benefits of G.O.(Pa).No.307, MA & WS Department, dated 09.08.2011 to the petitioner and grant advance increment for passing Account Test and all consequential benefits to him.

2. According to the petitioner, he was initially appointed as Bill Collector Gr.I in the year 1978 and was promoted as Assistant on 18.08.2010 and he retired from service on 31.10.2005 on attaining the age of superannuation. It is the grievance of the petitioner that as per G.O.(Pa) No.307 Municipal Administration and Water Supply Department, dated 09.08.2011, he was not granted advance increment after passing the Account test. In this regard, he made a representation to the first respondent on 08.03.2014, a copy of which was addressed to the respondents 2 and 3. On receipt of the same, the second respondent by communication in Na.Ka.No.8809/2014/Ma.Na.A1 dated 19.03.2014, directed the third respondent to call for report on the said representation. However, till date, no steps have been taken with regard to the claim of the petitioner. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that granting advance

increment by way of G.O.(Pa)No.307, MA&WS Department, dated 09.08.2011 in respect of working Revenue Assistant alone, is illegal, arbitrary and discriminatory in nature. According to the learned counsel, the said benefit ought to have been extended to the retired Revenue Assistant / tax collectors etc. Hence, the learned counsel sought appropriate direction to the respondents to consider the representation of the petitioner in this regard, for which, there is no serious objection on the side of the respondents.

4.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 of the petitioner, dated 08.03.2014, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Index: Yes/ No

vrc

R.MAHADEVAN, J.

VTC

To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Chennai – 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai – 5.
3. The Commissioner of Madurai Corporation,
Madurai – 2.



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