



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.6878 of 2021

D.Senthildasan

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St. Goerge,
Chennai - 600 009.
2. The District Collector,
Dindigul District,
Dindigul.
3. The Revenue Divisional Officer,
Dindigul Region,
Dindigul District.
4. The Tahsildar,
Dindigul West,
Dindigul.

...Respondents

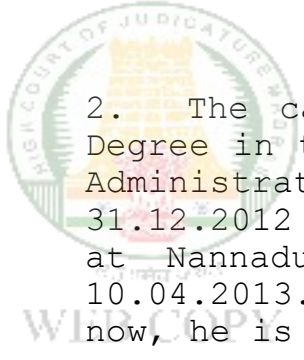
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Madamus, to direct the respondents to provide the higher start of pay to the petitioners based on the G.O.Ms.No.116, Personnel Administrative (F.R.IV) Department dated 15.10.2020 and consider the petitioner's representation dated 28.10.2020 and 18.03.2021, within the time to be stipulated by this Court.

For Petitioner : Mr.S.Karthik

For Respondents : Mrs.V.P.M.Vaishnavi,
Government Advocate

ORDER

This writ petition has been filed seeking for the issuance of Writ of Madamus, to direct the respondents to provide the higher start of pay to the petitioner, based on the G.O.Ms.No.116, Personnel Administrative (F.R.IV) Department, dated 15.10.2020, by considering the petitioner's representations dated 28.10.2020 and 18.03.2021, within the time to be stipulated by this Court.



2. The case of the petitioner is that he has completed B.H.M.S Degree in the month of February 2010 and he was selected as Village Administrative Officer through TNPSC vide its Memorandum dated 31.12.2012 and he reported the duty on 19.03.2013 and he was posted at Nannadu Village, Vilupuram District, vide proceedings dated 10.04.2013. Thereafter, he was transferred to Dindigul District and now, he is working at Neelamalaikottai Village, Dindigul District.

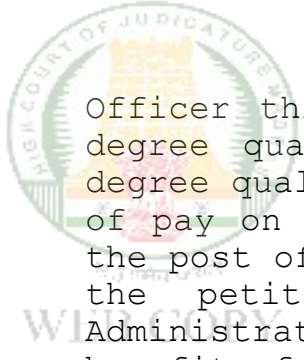
3. According to the petitioner, the prescribed qualification for the post of Village Administrative Officer is S.S.L.C. In G.O.Ms.No.321, Finance (Pay Cell) Department dated 02.07.1998, the Government of Tamil Nadu issued orders granting higher start of pay to the Graduate Village Administrative Officer. Thereafter, in G.O.Ms.No.241, Finance (Pay Cell) Department dated 22.07.2013, the Government of Tamil Nadu have ordered that the grant of higher start of pay granted to the Village Administrative Officer, who possessed degree qualification shall be dispensed with, with effect from 01.04.2013.

4. It is the further case of the petitioner that the persons, who were selected as Village Administrative Officers in the same selection, have been given the benefit of higher start of pay. However, the said benefit was denied to him for the reason that he was appointed after 01.04.2013. Though he was selected through TNPSC vide its Memorandum dated 31.12.2012, on account of the administrative delay, his appointment order was issued only after 01.04.2013 and he joined duty on 10.04.2013. Thereafter, the affected persons filed a writ petition before this Court. During the pendency of the writ petition, the Government has sanctioned the higher start pay for graduates by its proceedings dated 09.02.2006. Thereafter, the scheme of advance increments in all departments was cancelled by issuing G.O.Ms.No.37 dated 10.03.2020. Further, the Government issued G.O.Ms.No.116, dated 15.10.2020, providing advance increment to those, who were recruited on or before 10.03.2020. In order to get the benefit of advance increment, the petitioner sent a representation to the respondents on 28.10.2020. Since there was no response, the petitioner made another representation dated 18.03.2021. Till date, no order was passed on the said representations. Hence, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that it would suffice for the petitioner, if the respondents are directed to consider the representations of the petitioner dated 28.10.2020 and 18.03.2021, in the light of G.O.Ms.No.116, dated 15.10.2020.

6. Heard the learned Government Advocate appearing for the respondents.

7. The facts in the present case are not in dispute. Admittedly, the petitioner was selected as Village Administrative



Officer through TNPSC vide its Memorandum dated 31.12.2012 with a degree qualification of B.H.M.S Degree. Since he has possessed degree qualification, he claims that he is entitled for higher start of pay on the ground that the minimum qualification prescribed for the post of Village Administrative Officer is S.S.L.C. According to the petitioner, the persons, who were selected as Village Administrative Officers in the same selection, have been given the benefit of higher start of pay, but, the same was denied to him.

8. Initially, the higher start of pay was extended to the Junior Assistant/Typist/Record Clerk on the ground that the minimum qualification for that post is SSLC and the persons, who subsequently acquired higher qualification, are entitled for higher start of pay. Thereafter, the Government issued G.O.Ms.No.241, dated 22.07.2013, dispensing with the grant of higher start of pay for graduate employees with effect from 01.04.2013, since the candidates, who were appointed with degree qualifications, were granted personal pay directly. Subsequently, the benefit of higher start of pay was extended to the Village Administrative Officers, vide proceedings dated 24.01.2020. Thereafter, the scheme of advance increments in all departments was cancelled by G.O.Ms.No.37, dated 10.03.2020. Further, the Government issued G.O.Ms.No.116, dated 15.10.2020, providing advance increment to those, who were recruited on or before 10.03.2020. In order to avail such benefit, the petitioner made representations dated 28.10.2020 and 18.03.2021. Since no order was passed on the said representations, the petitioner has filed the present.

9. Considering the limited prayer sought for in the present writ petition, this Court directs the respondents to consider the petitioner's representations dated 28.10.2020 and 18.03.2021 in the light of G.O.Ms.No.37, dated 10.03.2020 and G.O.Ms.No.116, dated 15.10.2020, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, the Writ Petition is disposed of.No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai - 600 009.

WEB COPY

2. The District Collector,
Dindigul District,
Dindigul.

3. The Revenue Divisional Officer,
Dindigul Region,
Dindigul District.

4. The Tahsildar,
Dindigul West,
Dindigul.

+1 CC to M/s.S.KARTHIK, Advocate (SR-13984[F] dated 26/03/2021)

+1 CC to M/s.SPL GP (SR-14369[F] dated 30/03/2021)

W.P. (MD) No. 6878 of 2021

26.03.2021

RK (23.04.2021) 4P 7C