



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.11300 of 2017

WEB COPY

- 1.K.R.Mohan @ K.Rammohan
- 2.Neelamegam
- 3.R.Rajasekaran
- 4.S.Karuppaiah
- 5.S.Chellam
- 6.T.Muthumanickam
- 7.A.Gopal
- 8.M.Govindan
- 9.M.Mohammed Ismail
- 10.M.Rajendran
- 11.s.Veerar Abdula
- 12.A.Mayandi
- 13.K.Murugan
- 14.A.Bose
- 15.S.Rajasekaran
- 16.V.Paluchamy
- 17.M.Iruthayaraj

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Finance (Pay Cell) Department,
For St George,
Chennai-9.
- 2.The Accountant General
Theynapettai
Chennai-18.
- 3.The Divisional Engineer
National Highways
No.5, Besant Road,
Chinnachokkikulam,
Madurai-2.
- 4.The Divisional Engineer,
(Construction and Maintenance)
Highways Department,
Sivagangai-630 561.



- 5.The Divisional Engineer,
National High Ways Department,
Sivagangai Thiruppathur Road,
Sivagangai-630 561.
- 6.The Superintending Engineer,
Public Works Department,
Buildings and Maintenance (Construction)
Circle II, Madurai-2.
- 7.The Divisional Engineer,
Construction and Maintenance Department,
Highways Department,
Virudhunagar.
- 8.The Deen,
Government Rajai Hospital,
Madurai-20.
- 9.The Assistant Executive Engineer,
Water Resource Organization/PWD
Project Sub Division,
No.3, VIP Colony,
Jeya Nagar,
Tirunelveli-627 011.
- 10.The Divisional Engineer,
(Construction and Maintenance)
Highways Department,
Madurai-600 002.
- 11.The Divisional Engineer,
Nabard and Rual Roads Division,
Ladydock College Road,
Chinnachokkikulam,
Madurai-2.
- 12.The Executive Engineer,
Public Works Department,
Supervision and Quality Control Division
Thallakulam,
Madurai-2.
- 13.The Assistant Executive Engineer,
Public Works Department,
Palayaru Basin Sub Division,
Nagercoil,
Kanyakumari District.



14.The Assistant Executive Engineer,
Public Works Department,
Sithar Basin Sub Division
Courtallam Kudiiruppu
Tenkasi
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-fix the scale of pay of the petitioners in accordance with schedule II of Tamil Nadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996 based on such re-fixation.

For Petitioners : Mr.S.Balamurugan
For R1, R3 to R14: Mr.S.Muthugeethayan
Special Government Pleader
For R2 : Mr.P.Gunasekaran

O R D E R

This Writ Petition is filed for a direction to the respondents to re-fix the scale of pay of the petitioners in accordance with schedule II of Tamil Nadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996 based on such re-fixation.

2.The case of the petitioners is that they were appointed as Drivers in the various respondent Corporation and Government Department. The petitioners have made various representations dated 31.07.2015, 29.09.2015 and 09.10.2015 to re-fix of their scale of pay in accordance with the Schedule-II of Tamil Nadu Revised Scales of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996.

3.The learned counsel appearing for the petitioners submitted that this Court may issue a direction to consider the petitioners' representation, dated 30.07.2015 within the reasonable time as fixed by this Court.

4.The learned Special Government Pleader appearing for the respondents 1, 3 to 14 submitted that the claim made by the petitioners was considered and the same was rejected by following the dictum laid down in the judgment of the Hon'ble Apex Court in Civil Appeal No(s).9533-9537 of 2019 [P.SINGARAVELAN 7 ORS. ETC. ETC. VS. THE DISTRICT COLLECTOR, TIRUPPUR AND DT & ORS. ETC. ETC.]

Hence, he prays for dismissal of the present writ petition.



5.Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the concerned respondents to consider the petitioners' representations dated 30.07.2015, 31.07.2015, 02.08.2015, 04.08.2015, 12.08.2015, 29.09.2015, 09.10.2015 respectively, and pass appropriate 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.

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

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar (CS)

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To

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Finance (Pay Cell) Department,
For St George,
Chennai-9.

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No.5, Besant Road,
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Public Works Department,
Palayaru Basin Sub Division,
Nagercoil,
Kanyakumari District.

14.The Assistant Executive Engineer,
Public Works Department,
Sithar Basin Sub Division
Courtallam Kudiiruppu
Tenkasi, Tirunelveli District.



+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-11854[F] dated
17/03/2021)

+1 CC to SPL GP (SR-12265[F] dated 18/03/2021)

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KM (09.04.2021) 6P 17C