

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.18344 of 2015
and WMP No.31268 of 2016

K.Sumathy Rao

... Petitioner

-Vs-

1. State Rep. by
Chief Secretary to Government
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.

3. The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.

4. The Principal Secretary to Government,
Backward Classes, Most Backward
Classes and Minorities Welfare Department,
Fort St. George,
Chennai - 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant the petitioner promotion as Deputy Secretary with effect from 12.05.2010 and Joint Secretary with effect from 10.12.2012 with all consequential and attendant monetary benefits together with interest for delayed payment.

For Petitioner : Mrs.P.V.Rajeswari.

For Respondents : Mrs.S.Anitha
Special Government Pleader.

O R D E R

The relief sought for in this writ petition is to direct the respondents to grant the petitioner promotion as Deputy Secretary with effect from 12.05.2010 and Joint Secretary with effect from 10.12.2012 with all consequential and attendant monetary benefits together with interest for delayed payment.

2. The petitioner was appointed as Assistant in Tamil Nadu Secretariat Service through Tamil Nadu Public Service Commission (TNPSC). The petitioner was promoted to the post of Assistant Section Officer and further to the post of Section Officer. The petitioner was given upgradation as Under Secretary and posted in the Department of Backward Classes, Most Backward Classes and Minorities Welfare Department.

3. The grievances of the petitioner is that her junior one K.Swaminathan, who was also recruited to the Secretariat Service as Assistant and placed in Sl.No.104, while the petitioner is at Sl.No.80, was posted in the Finance Department and received promotions within short span of time when compared to the persons posted to the Departments in One Unit and due to the same, K.Swaminathan was promoted as Deputy Secretary on 12.05.2010 and granted further promotion as Joint Secretary on 10.12.2012, whereas the petitioner was only given promotion as Under Secretary on 05.05.2010. Therefore, several representations were submitted by the petitioner requesting for promoting her as Deputy Secretary with effect from 12.05.2010 and Joint Secretary with effect from 10.12.2012 with stepping up pay and other benefits. In order to rectify the anomaly between the seniors in One Unit and the juniors in Finance Unit, up-gradations/stepping up of pay of seniors on par with their juniors were granted by the Government in G.O.Ms.No.31, Personnel and Administrative Reforms Department, dated 01.03.2017 and despite the same, no further action has been taken to grant the actual benefits.

4. The learned counsel for the petitioner mainly contended that para-11 of the said Government Order in G.O.Ms.No.31, is to be implemented with reference to the grievances of the petitioner. The list of eligible seniors for stepping up of pay on par with their juniors were also issued by the Government in letter dated 04.11.2020. Thus, the Government Order and the consequential letter dated 04.11.2020 are to be implemented for the purpose of stepping up of pay of the writ petitioner on par with the juniors within one Unit.

5. The learned Special Government Pleader appearing on behalf of the respondents made a submission that the applicability or otherwise of the Government Orders are to be

verified with reference to the service records of the petitioner concerned.

6. Considering the facts and circumstances, the respondents are directed to consider the claim of the writ petitioner based on her representations and accordingly, take decision and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ars

To

1. Chief Secretary to Government
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.

3. The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.

4. The Principal Secretary to Government,
Backward Classes, Most Backward
Classes and Minorities Welfare Department,
Fort St. George,
Chennai - 600 009.

W.P.No.18344 of 2015

SMI(CO)
CT/21/07/2022