



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos. 3349, 3352, 3354, 3356, 3359, 3362, 3363, 3366, 3370, 3373, 3375, 3378, 3379, 3381, 3383, 3385, 3388, 3390, 3391, 3392, 3395, 3397, 3399, 3401, 3402 & 3403 of 2022

K.MUTHUKUMAR	... PETITIONER in WP No.3349 of 2022
K.GUNASEELAN	... PETITIONER in WP No.3352 of 2022
G.NAGARAJAN	... PETITIONER in WP No.3354 of 2022
S.VARATHARAJAN	... PETITIONER in WP No.3356 of 2022
A.VARADARAJAN	... PETITIONER in WP No.3359 of 2022
T.R.MANICKAM	... PETITIONER in WP No.3362 of 2022
K.KRISHNAN	... PETITIONER in WP No.3363 of 2022
S.NATESAN	... PETITIONER in WP No.3366 of 2022
R.PANNERSELVAM	... PETITIONER in WP No.3370 of 2022
S.ESAKKIMUTHU	... PETITIONER in WP No.3373 of 2022
V.ANANDAPPAN	... PETITIONER in WP No.3375 of 2022
J.JANARTHANAN	... PETITIONER in WP No.3378 of 2022
D.MANI	... PETITIONER in WP No.3379 of 2022
R.SELVARAJ	... PETITIONER in WP No.3381 of 2022
M.ARUMUGAM	... PETITIONER in WP No.3383 of 2022
G.MOHAN	... PETITIONER in WP No.3385 of 2022
C.R.JAYARAJ	... PETITIONER in WP No.3388 of 2022
N.DURAI	... PETITIONER in WP No.3390 of 2022
R.MANOCHARAN	... PETITIONER in WP No.3391 of 2022



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S.RAMAKRISHNAN	... PETITIONER in WP No.3392 of 2022
D.THEEBA HELEN TAMILKODI	... PETITIONER in WP No.3395 of 2022
V.VASUDEVAN	... PETITIONER in WP No.3397 of 2022
V.MUTHUSWAMI	... PETITIONER in WP No.3399 of 2022
K.KARUPPIAH	... PETITIONER in WP No.3401 of 2022
B.RAVINDRAN	... PETITIONER in WP No.3402 of 2022
T.MAHENDRAN	... PETITIONER in WP No.3403 of 2022

Vs

1.The Government of Tamil Nadu
Rep. By its Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai -600009.

2.The Principal Secretary,
Personnel & Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai -600009. ..Respondents in WP.Nos.3349,3352,3354,
3356, 3359, 3362, 3363, 3366, 3370,
3373, 3375, 3378, 3379, 3381, 3383,
3385, 3388, 3390, 3391, 3392, 3395,
3397, 3399, 3401, 3402 and 3403 of 2022

3.The Director,
Local Fund Audit Department,
Nandanam, Chennai -600035.
..Respondents in all WP's

Prayer in WP Nos.3349, 3352, 3354, 3356, 3359, 3362, 3363, 3366,
3370, 3373, 3375, 3378, 3379, 3381, 3383, 3385, 3388, 3390,
3391, 3392, 3395, 3397, 3399, 3401, 3402 and 3403 of 2022

These Writ Petitions are file under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing the
respondents to pay the difference in pay due to the anomaly in
fixation of pay by considering the petitioner's representation
dated 15.09.2015; 14.12.2021; 19.08.2016; 13.02.2016;
15.03.2016; 28.05.2016; 23.02.2021; 12.11.2021; 15.12.2021;
24.02.2020; 24.03.2021; 30.08.2015; 23.08.2016; 23.08.2011;
30.10.2017; 25.01.2017; 12.01.2017; 17.11.2021; 15.12.2021;



14.12.2021; 17.12.2015; 30.11.2015; 15.01.2020; 08.12.2015;
02.02.2018; 06.07.2018; 28.08.2018; 28.05.2019; 16.03.2017;
09.01.2020; 18.01.2018; 04.07.2019; 24.12.2021; 02.11.2016;
08.10.2015; 16.11.2021; and 18.10.2021 respectively.

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For Petitioner : Mr. R.Jayaprakash
(in all WPs)

For Respondents : Mr. P.Balathandayutham, Spl.GP
(in all WPs)

COMMON ORDER

The relief sought for in these writ petitions is for a direction to the respondents to pay the difference in pay due to the anomaly in fixation of pay by considering the petitioner's representation dated 15.09.2015 and pass such further or other orders.

2. The learned counsel appearing for the petitioners submitted that the petitioners herein were retired from service as Assistant Directors/Deputy Directors in the year 2016. Since there is anomaly in fixation of pay between the senior and junior, the petitioner has made representation to the 3rd respondent to recommend the Government to rectify the anomaly in fixation of pay. Till date no action has been taken by the respondents, hence the present writ petition.

3. The learned Special Government Pleader appearing for the respondents has produced the written instructions received from the 3rd respondent before this Court and submitted that rectification of pay anomaly to the petitioners will take long time due to administrative reason and seeks time to consider the representation of the petitioners and pass appropriate orders. The relevant portion of the written instructions is extracted hereunder;

6. It is intimated that as per the Government letter No.22508 / P & AR (FR-1) Department / 2019, dated 03.09.2019, all the proposals with regards to rectification of pay anomaly of retired personnel are to be sent to the Government. in a revised detailed format which requires complete work details of the senior and junior like all the pay details, promotion details, selection grade details. regularization, probation declaration, etc. with volume number and page number of the service register in a detailed format comparing one against the other.it is



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intimated that for each pay anomaly rectification approximately 20 pages of details are to be given including the proceedings containing the complete details of the senior and the junior, which is a very tedious and time-consuming process. It is further intimated that the proposals with regards to pay anomaly once scrutinized by the Director of Local Fund Audit Department are sent to the Finance (Local fund) department. Government of Tamil Nadu. Once processed by them, they are sent to Finance (Pay Cell) Department and then to the Human Resources Management Department, erstwhile P & AR department. for concurrence and only after the concurrence is obtained, Government order is issued by the Finance (Local fund) Department. Thus, it is a long and tedious process involving several stages of scrutiny at several departments of the Government of Tamil Nadu as mentioned above and the Directorate of Local Fund Audit. Thus the process is a time consuming one in nature.

4. Having regard to the submissions made by the learned counsel appearing on either side and taking note of the fact that the petitioners' representation is pending from the year 2016, this Court is of the view that ends of justice would be met if the respondents are directed to consider the representation and pass orders within a time frame fixed by this Court.

5. Accordingly, the 2nd respondent is directed to consider the representation of the petitioners and to take appropriate decision as expeditiously as possible, not later than eight months from the date of receipt of a copy of this order. In case of delay on the part of the respondent to pass orders, liberty is granted to the respondents to seek extension of time before this Court by filing appropriate application.

6. With the above directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



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To

1.The Principal Secretary to Government,
The Government of Tamil Nadu
Finance Department,
Secretariat, Fort St.George,
Chennai -600009.

2.The Principal Secretary,
Personnel & Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai -600009.

3.The Director,
Local Fund Audit Department,
Nandanam, Chennai -600035.

+1cc to Government Pleader SR. No.14678

+26ccs to Mr.R.Jayaprakash, Advocate SR. Nos. 14760 to 14766,
14768 to 14782, 14784 to 14787

W.P.Nos. 3349, 3352, 3354,3356,3359,
3362,3363,3366, 3370,3373, 3375,
3378, 3379, 3381, 3383, 3385, 3388, 3390,
3391, 3392, 3395, 3397, 3399,
3401, 3402 & 3403 of 2022

RSI (CO)
PR (22/03/2022)