

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.4797 OF 2015

R.Natarajan
Deputy Secretary to Government,
Industries Department, Secretariat
Fort St.George, Chennai - 600 009. ... Petitioner

 $V_S.$

1. The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
Finance Department,
Fort St.George,
Chennai - 600 009.
3. The Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
4. Sudalai Narayanan
Joint Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 herein to implement G.O.Ms.No.126, dated 29.05.1998 P (&) A R (U Spl.) Dept., in proper manner and consequently, upgrade the petitioner's post as Joint Secretary to Government and re-fix the pay of the petitioner on par with the petitioner's junior i.e. the 4th respondent and sanction the arrears of pay and allowances to the petitioner and grant all consequential monetary benefits with interest within a reasonable time.

For Petitioner : Mr.D.J.Adinarayanan

For Respondent : Ms.S.Anitha
Nos.1 to 3 Special Government Pleader

Respondent No.4: No appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 herein to implement G.O.Ms.No.126, dated 29.05.1998 P (&) A R (U Spl.) Dept., in proper manner and consequently, upgrade the petitioner's post as Joint Secretary to Government and re-fix the pay of the petitioner on par with the petitioner's junior i.e. the 4th respondent and sanction the arrears of pay and allowances to the petitioner and grant all consequential monetary benefits with interest.

2. The relief sought for in the present writ petition is similar to the relief sought for by the writ petitioners in a batch of writ petitions in W.P.No.14796 of 2014 [S. Ravindran Vs. The Secretary to Government], etc. and batch, which was decided by this Court on 14.06.2022.

3. The relevant paragraphs of the said order are extracted hereunder:

"The relief sought for in these writ petitions is to direct the respondents to upgrade the petitioners as Joint Secretary to Government and step up their pay on par with their junior and sanction the arrears of pay and allowances with interest to the petitioners.

2. The petitioners were appointed as Assistants in Tamil Nadu Secretariat Service through Tamil Nadu Public Service Commission (TNPSC). The petitioners were promoted to the post of Assistant Section Officers and further to the post of Section Officers. The petitioners were promoted as Joint Secretaries and posted in the Department of Environment and Forest.

3. The grievances of the petitioners are that there is a pay parity in between the juniors and seniors and in this regard, several representations were submitted by the aggrieved employees. 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. The grievances of the writ petitioners are that in spite of the Government Order passed in this regard, no further action has been taken to grant the actual benefits.

4. The learned counsel for the petitioners 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 petitioners. 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 petitioners on par with their 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 petitioners concerned.

6. In view of the further developments regarding the issuance of Government Order in G.O.Ms.No.31, the cases of the writ petitioners are also to be reconsidered along with other similarly placed persons who have submitted their representations for stepping up of pay.

7. Considering the facts and circumstances, the respondents are directed to consider the claim of the writ petitioners based on their 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.

8. With the above directions, all the writ petitions stand disposed of. However, there shall be no order as to costs."

4. In view of the fact that the case of the petitioner is also similar to that of the case cited supra, the petitioner is also entitled to the relief. Accordingly, the respondents are directed to consider the claim of the writ petitioner based on his representation and accordingly, take a 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
Finance Department,
Fort St.George,
Chennai - 600 009.
3. The Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
4. The Joint Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.

+1cc to Mr.D.J.Adinarayanan, Advocate, S.R.No.34726
+1cc to Government Pleader, SR.NO.35897

Writ Petition No.4797 of 2015

GPL(CO)
PM/12/07/2022