



W.P.No.1377 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.1377 of 2018

R.Sugumaran

...Petitioner

-Vs-

1.The Principal Secretary and Commissioner,
Department of Economics and Statistics,
Chennai – 6.

2.The Joint Director [Administration],
Department of Economics and Statistics,
D.M.S. Compound, Chennai – 6.

3.The Deputy Director of Statistics,
Department of Statistics,
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the remaining salary for doing the full Additional Charge Paramathi Block, as Statistical Inspector for the period 02.09.2011 to 29.01.2013 [i.e. remaining period of 11 months and 27 days] to the petitioner in accordance with law by considering the petitioner's representation dated 22.05.2014 within the time fixed by this Court.



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For Petitioner : Mr.M.Karthik,
for Mr.I.C.Vasudevan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

Heard Mr.M.Karthik, learned counsel appearing for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for the respondents.

2. The petitioner herein was originally appointed as Junior Assistant / Typist in the Department of Economics and Statistics at Salem District. Subsequently, he was promoted to various capacities and finally, he served as a Statistical Officer. During that time, he was assigned full additional charge of Paramathi Block on administrative reasons from 02.09.2011 to 28.01.2013. Thereafter, he had retired from service on 30.06.2013.

3. As per the amended Fundamental Rule 49 of the Tamil Nadu Government, the Government may appoint a Government servant, whether permanent or officiating, to hold full additional charge or to discharge current



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duties of any one independent post, either under Government service or under foreign service on deputation, in addition to his regular post at one time as a temporary measure and grant additional pay for holding full additional charge at the rate of one fifth of the pay drawn in the regular post or half of the minimum pay of the additional post, whichever is less. This additional pay shall be sanctioned irrespective of the duration of the additional charge held by Group - A and B officers only.

4. Prior to the amendment issued in G.O.Ms.No.153, P&AR (FR-IV) Department, dated 05.12.2017, the payment of additional pay for the period of holding full additional charge was restricted to five months alone. In accordance with the then existing rule, the petitioner's claim for payment of the additional pay was restricted to five months.

5. Now that the Fundamental Rule 49 has been amended under G.O.Ms.No.153 dated 05.12.2017, deleting the restriction of five months imposed and sanctioned for additional pay for the entire duration of the additional charge, there cannot be any impediment on the part of the respondents to release the balance of the additional pay for the period of 11



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months and 27 days. It is not in dispute that the petitioner belongs to Group-B category.

6. In the light of the above findings, there shall be a direction to the first respondent to forthwith pass orders, sanctioning the remaining additional pay for holding the full additional charge as a Statistical Inspector at Paramathi Block for 11 months and 27 days between 02.09.2011 and 28.01.2013, after deducting the five months additional pay already paid to the petitioner. Such orders of disbursement of the payment shall be passed atleast within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands allowed. No costs.

08.12.2022

Index:Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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