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W.P.No.3377 of 2016, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.Nos.3377, 3543, 3724, 12347, 16369, 16370, 16371,
20024, 20025, 21154, 24591 & 24592 of 2016 and 41 of 2017
and W.M.P.Nos.22870 of 2017 & 387 of 2019

W.P.No.3377 of 2016:

V.Sundaram

S/o.V.Veeri Chetty

.. Petitioner

Vs.

1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Finance Department,
Secretariat,
Fort St.George,
Chennai – 9.

3.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Secretariat,
Chennai – 600 009.

.. Respondents

(R3 impleaded *vide* order of this Court dated 29.09.2022
passed in Crl.M.P.No.3644 of 2019)



W.P.No.3377 of 2016, etc. batch

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant the petitioner's promotion as Deputy Secretary on par with B.Thiagarajan from the date on which he was given promotion to the said post, with all consequential, attendant and monetary benefits, together with interest and award costs.

W.P.No.3377 of 2016		
For petitioner	:	Mr.V.Ajoy Khose
For RR 1 & 3	:	Mrs.S.Anitha, Spl. Government Pleader
For R 2	:	Mr.V.Ravi Spl. Government Pleader
W.P.No. 3543 of 2016		
For Petitioner	:	Mr.S.Nedunchezhiyan
For RR 1 & 3	:	Mrs.S.Anitha, Spl. Government Pleader
For R 2	:	Mr.V.Ravi Spl. Government Pleader
W.P.No. 3724 of 2016		
For Petitioner		Mr.M.Devaraj
For RR 1 to 4		Mrs.S.Anitha, Spl. Government Pleader
For R5		Mr.Karthik Rajan
W.P.No.12347, 16369, 16370, 16371, 20024, 20025, 21154, 24591 & 24592 of 2016 and 41 of 2017		
For Petitioner		Mr.S.Nedunchezhiyan
For respondents		Mrs.S.Anitha, Spl. Government Pleader



W.P.No.3377 of 2016, *etc.* batch

COMMON ORDER

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Since the issue involved in these writ petitions is one and the same, these writ petitions are taken up together and disposed of by this common order.

2. The relief sought by the petitioners in these writ petitions is similar to the relief sought by the petitioners in a batch of writ petitions in W.P.No.14796 of 2014 [S. Ravindran Vs. The Secretary to Government], *etc.* 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



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W.P.No.3377 of 2016, etc. batch

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 petitioners is also similar



W.P.No.3377 of 2016, *etc.* batch

to that of the case cited *supra*, the petitioners herein are also entitled to the relief. Accordingly, the respondents are directed to consider the claim of the writ petitioners based on their representation, 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.

With the above directions, these writ petitions stands disposed of. No costs. Connected W.M.Ps. are closed.

29.09.2022

Index: Yes/No
Speaking/Non-speaking
nsd



WEB COPY



W.P.No.3377 of 2016, *etc.* batch

S.M.SUBRAMANIAM, J.
nsd

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