

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7104 of 2014

R.Moorthy

...Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Fort St.George, Chennai-09.

2.The Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George, Chennai-09

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, directing the respondents to call for the records in connection with the impugned order passed by the 2nd respondent in Letter No.47704/U-Spl./2013-2, dated 08.01.2014 and to quash the same and further direct the respondents to upgrade the petitioner as Joint Secretary to Government and set up his pay on par with his junior and sanction the arrears of pay and allowances to the petitioner.

For Petitioner : Mr.S.Sivakumar

For Respondents : Ms.S.Anitha
R1 & R2 Special Government Pleader

O R D E R

The writ petition has been filed is to direct the respondents to call for the records in connection with the impugned order passed by the 2nd respondent in Letter No.47704/U-Spl./2013-2, dated 08.01.2014 and to quash the same and further direct the respondents to upgrade the petitioner as Joint Secretary to Government and set up his pay on par with his junior and sanction the arrears of pay and allowances to the petitioner.

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 cases 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 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.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

Jeni

To

1.The Secretary to Government,
Home Department,
Fort St.George, Chennai-09.

2.The Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George, Chennai-09

+1cc to Mr.S.Sivakumar, Advocate Sr.No.36297

+1cc to the Government Pleader Sr.No.36924

W.P.No.7104 of 2014

SKM(CO)
RVM(11/07/2022)