

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.10915 & 10916 of 2014

S.Barathithasan

... Petitioner in
W.P.No.10915 of 2014

R.Panneerselvam

... Petitioner in
W.P.No.10916 of 2014

.Vs.

1. The Secretary to Government,
Public (Special A) Department/
Public Department,
Fort St. George,
Chennai - 09.

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

... Respondents in
both W.P's

PRAYER IN W.P.NO.10915 OF 2014:-

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus directing the respondents to call for the records in connection with the impugned order passed by the 1st respondent in Letter No.618/Estt.III/2013-2 dated 14.2.2013 and to quash the same and further direct the respondents to upgrade the petitioner as Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances to the petitioner with interest within a reasonable time.

PRAYER IN W.P.NO.10916 OF 2014:-

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus directing the respondents to upgrade the petitioner as

Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances with interest to the petitioner within a reasonable time.

IN BOTH WRIT PETITIONS

For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.M.Bindran
Nos.1 & 2 Additional Government Pleader

C O M M O N O R D E R

The relief sought for in W.P.No.10915 of 2014 is to direct the respondents to call for the records in connection with the impugned order passed by the 1st respondent in Letter No.618/Estt.III/2013-2 dated 14.2.2013 and to quash the same and further direct the respondents to upgrade the petitioner as Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances to the petitioner with interest within a reasonable time.

2. The relief sought for in W.P.No.10916 of 2014 is to direct the respondents to upgrade the petitioner as Joint Secretary to Government and step up his pay on par with his junior and sanction the arrears of pay and allowances with interest to the petitioner within a reasonable time.

3. The relief sought for in the present writ petitions 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.

4. 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."

5. In view of the fact that the case of the petitioners is also similar to that of the case cited supra, the petitioners are also entitled to the relief. Accordingly, the respondents are directed to consider the claim of the writ petitioners based on their representations 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.

6. With the above directions, the Writ Petitions stand disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Secretary to Government,
Public (Special A) Department/
Public Department,
Fort St. George,
Chennai - 09.
2. The Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George, Chennai - 09.

+2ccs to Mr.S.Sivakumar, Advocate, S.R.No.38115
+1cc to the Government Pleader, S.R.No.38241

W.P.NOS.10915 & 10916 OF 2014

GPL(CO)
PBS/13/07/2022