



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.21645 OF 2014 AND 2220, 7981, 14327 TO 14329,
23142 AND 23143, 34333 AND 34334 AND 37865 OF 2015
AND

MP NOS.1 OF 2014, 1 AND 1 OF 2015

M.Pazhanivel	...Petitioner in W.P.No.21645 of 2014
P.Nagavel Sekaran	...Petitioner in W.P.No.2220 of 2015
K.Sivakumar	...Petitioner in W.P.No.7981 of 2015
T.Gowri	...Petitioner in W.P.No.14327 of 2015
T.Thompson	...Petitioner in W.P.No.14328 of 2015
P.K.Vedavathy	...Petitioner in W.P.No.14329 of 2015
P.Kamaraj	...Petitioner in W.P.No.23142 of 2015
K.Andal	...Petitioner in W.P.No.23143 of 2015
A.Vijayakalawathi	...Petitioner in W.P.No.34333 of 2015
A.Karunakaran	...Petitioner in W.P.No.34334 of 2015
G.Shanthi	...Petitioner in W.P.No.37865 of 2015

Vs.

1.The Principal Secretary to Government
Personnel and Administrative Reforms Department
Secretariat, Chennai - 600 009.

2.The Principal Secretary to Government
Finance Department, Secretariat,
Chennai - 600 009.

...Respondent 1 & 2 in all WPs

3.The Principal Secretary to Government
Environment and Forest Department
Secretariat, Chennai - 600 009.

...3rd Respondent in W.P.No.21645 of 2014



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3.The Principal Secretary to Government
Labour and Employment Department,
Secretariat, Chennai - 600 009.

...3rd Respondent in W.P.Nos.2220, 34333 of 2015

3.The Principal Secretary to Government
Welfare of Differently Abled Persons Department
Secretariat, Fort St. George,
Chennai - 600 009.

...3rd Respondent in W.P.No.7981 of 2015

3.The Principal Secretary to Government
Home Department,
Secretariat, Chennai - 600 009.

...3rd Respondent in W.P.No.14327 of 2015

3.The Secretary to Government
Rural Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

...3rd Respondent in W.P.No.14328 of 2015

3.The Secretary to Government
Public Works Department,
Secretariat, Fort St. George,
Chennai - 600 009.

...3rd Respondent in W.P.No.14329 of 2015

3.The Principal Secretary to Government
Co-Operation, Food & Consumer Protection Department,
Secretariat, Fort St. George, Chennai - 600 009.

...3rd Respondent in W.P.Nos.23142, 23143 of 2015

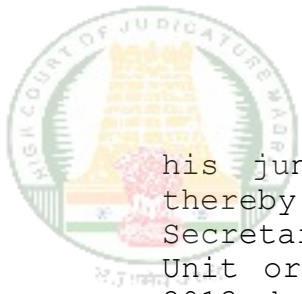
3.The Secretary to Government
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

...3rd Respondent in W.P.No.34334 of 2015

3.The Secretary to Government
Agriculture Department,
Secretariat, Fort St. George,
Chennai - 600 009.

...3rd Respondent in W.P.No.37865 of 2015

Prayer in W.P.No.21645 of 2014 : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to sanction the post and pay parity to the petitioner on par with



his juniors working in Finance Unit or within One Unit and thereby to promote the petitioner to the post of Deputy Secretary to Government on par with juniors working in Finance Unit or One Unit based on the orders passed in W.P.No.25556 of 2013 dated 08.04.2014 with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.2220 of 2015 : Directing the Respondents to sanction the post and pay parity to the Petitioner on par with his juniors working in Finance Unit or within One Unit and thereby to promote the Petitioner to the post of Deputy Secretary to Government on par with juniors working in Finance Unit or One Unit based on the orders passed in W.P.No.25556 of 2013 dated 08/04/2014 with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.7981 of 2015 : Directing the respondent to sanction the post and pay parity to the petitioner on par with the petitioner juniors working in Finance Unit or within One Unit and thereby to promote the Petitioner to the post of Deputy Secretary to Government on par with juniors working in Finance Unit or One Unit based on the orders passed in W.P.No.25556 of 2013 dated 08.04.2014 with all consequential and other attendant benefits.

Prayer in W.P.No.14327 of 2015 : Directing the respondents to sanction the post and pay parity to the petitioner on par with Juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the petitioner to the post of Joint Secretary to Government on par with Juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.14328 of 2015 : Directing the respondents to sanction the post and pay parity to the petitioner on par with Juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the petitioner to the post of Joint Secretary to Government on par with Juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, by considering the representation submitted by the petitioner dated 23.02.2015, within a time frame to be fixed by this Honourable Court.



Prayer in W.P.No.14329 of 2015 : Directing the respondents to sanction the post and pay parity to the petitioner on par with Juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the petitioner to the post of Joint Secretary to Government on par with Juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.23142 of 2015 : Directing the Respondents to sanction the post and pay parity to the Petitioner on par with his juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the Petitioner to the post of Joint Secretary to Government on par with his juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.23143 of 2015 : Directing the Respondents to sanction the post and pay parity to the Petitioner on par with her juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the Petitioner to the post of Joint Secretary to Government on par with her juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.34333 of 2015 : Directing the respondents to sanction the post and pay parity to the petitioner on par with her juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the petitioner to the post of Joint Secretary to Government on par with her juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.34334 of 2015 : Directing the respondents to sanction the post and pay parity to the petitioner on par with her juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the petitioner to the post of Joint Secretary to Government on par with her juniors working in



One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

Prayer in W.P.No.37865 of 2015 : Directing the Respondents to sanction the post and pay parity to the Petitioner on par with juniors working in One Unit as well as Finance Unit as per Fundamental Rules in furtherance to implementation of the orders passed in the Writ Petition in W.P.No.25556 of 2013 dated 08.04.2014 and thereby to promote the Petitioner to the post of Joint Secretary to Government on par with her juniors working in One Unit/Finance Unit with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

For Petitioner
in all WPs : Mr.G.Sankaran

For Respondents
in all WPs : M/s.S.Anitha,
Special Government Pleader.

C O M M O N O R D E R

The relief sought for in these writ petitions is to direct the respondents to sanction the post and pay parity to the petitioners on par with their juniors working in the Finance Unit or within One Unit and thereby to promote the petitioners to the post of Deputy Secretary to Government on par with juniors working in Finance Unit or One Unit based on the orders passed in WP No.25556 of 2013 dated 08.04.2014.

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 Under 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. 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.

7. With the above directions, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

Svn

To

- 1.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai - 600 009.
- 3.The Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.



- 4.The Principal Secretary to Government
Labour and Employment Department,
Secretariat, Chennai - 600 009.
- 5.The Principal Secretary to Government
Welfare of Differently Abled Persons Department
Secretariat, Fort St. George,
Chennai - 600 009.
- 6.The Principal Secretary to Government
Home Department,
Secretariat, Chennai - 600 009.
- 7.The Secretary to Government
Rural Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 8.The Secretary to Government
Public Works Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 9.The Principal Secretary to Government
Co-Operation, Food & Consumer Protection Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 10.The Secretary to Government
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 11.The Secretary to Government
Agriculture Department,
Secretariat, Fort St. George,
Chennai - 600 009.

+12ccs to Mr.G.Shankaran, Advocate, Sr.Nos.35960, 35961, 35963,
35964, 35967, 35969,

+1cc to the Government Pleader, Sr.Nos.35893, 35895, 35898,
35901, 35904, 35905,

WPs 21645 of 2014 and 2220, 7981,
14327 to 14329, 23142 and 23143,
34333 and 34334 and 37865 of 2015

NR(CO)
RVM(30/06/2022)