



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.14796, 15570 OF 2014,
31764, 15684 AND 15685 OF 2015

S.Ravindran

... Petitioner in WP No.14796 of 2014

V.Sekar

... Petitioner in WP No.15570 of 2014

P.Kanagaraj

... Petitioner in WP No.31764 of 2015

J.Selvi

... Petitioner in WP No.15684 of 2015

A.Sivapragasam

... Petitioner in WP No.15685 of 2015

vs.

1. The Secretary to Government,
Public (Special A) Department,
Fort St. George,
Chennai - 600 009.

... R1 in all WPs

2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.

.. Respondent 2 in all the WPs.
except WP.15684/2015

R2 The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-09.

... Respondent 2 in WP.No15684/2015

R3 The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Secretariat,
Chennai-09.

... Respondent 3 in WP.15684/2015

(R3 impleaded vide order dated 14.06.2022 in WMP.3174/2016)



Common Prayer:

Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the respondents to upgrade the petitioners as Joint Secretary to Government and step up their pay on par with their juniors and sanction the arrears of pay and allowances with interest to the petitioners.

For Petitioners in all WPs : Mr.S.Sivakumar

For Respondents in all WPs : Mr.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 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 similiary 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
Public (Special A) Department,
Fort St. George,
Chennai - 600 009.



2. The Principal Secretary,
The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.

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3. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-09.

+5ccs to Mr.S.Sivakumar, Advocate, S.R.No.35184, 35183, 35182
+1cc to the Government Pleader, S.R.No.35902, 35903

WPs 14796, 15570
of 2014, 31764,
15684 and 15685 of 2015

AD(CO)
PM/22/06/2022