

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.27718 TO 27721 OF 2014

W.P.NO.27718 OF 2014

K.Amutha

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Personnel And Administrative
Reforms Department,
Fort St. George,
Secretariat,
Chennai - 9.

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

3. The Secretary to Government
Public Department,
Fort St. George,
Secretariat,
Chennai-9.

4. The Principal Secretary to Government,
Labour And Employment Department,
Fort St. George,
Chennai - 9.

5. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.

... Respondents

W.P.NO.27719 OF 2014

G.Kanthimathi

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Personnel And Administrative
Reforms Department,
Fort St. George,
Secretariat,
Chennai - 9.
2. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Secretariat,
Chennai - 9.
3. The Secretary To Government,
Public Department,
Fort St. George,
Secretariat,
Chennai - 9.
4. The Principal Secretary to Government,
Rural Development and Panchayat
Raj Department,
Fort St. George,
Secretariat,
Chennai - 9.
5. The Secretary
Tamil Nadu Public Service Commission,
Chennai - 3.

... Respondents

W.P.NO.27720 OF 2014

A.suguna

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Personnel And Administrative
Reforms Department,
Fort St. George, Secretariat,
Chennai - 9.
2. The Principal Secretary to Government,
Finance Department,
Fort St.George,
Secretariat,
Chennai - 9.

3. The Secretary To Government,
Public Department,
Fort St. George,
Secretariat,
Chennai - 9.

4. The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Secretariat,
Chennai - 9.

5. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.

... Respondents

W.P.NO.27721 OF 2014

V.Kooluchamy

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Personnel And Administrative
Reforms Department,
Fort St. George,
Secretariat,
Chennai - 9.

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

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

4. The Principal Secretary to Government,
Tamil Development and Information Department,
Fort St. George, Secretariat,
Chennai - 9.

5. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.

... Respondents

PRAYER IN W.P.NO.27718 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 herein to upgrade the petitioner (Commissions Seniority Number 5/83-IV) from the Post of Upgraded Deputy Secretary as to Joint Secretary to Government in the One Unit of Labour and Employment Department, Secretariat, Chennai-9 with effect from 22.12.2010 on par with her Junior Thiru.M.V.Manoharan (Commission's Seniority Number 12/83-IV) Joint Secretary to Government, Secretariat Chennai-9 who has been promoted as Joint Secretary to Government by the orders of the 2nd respondent herein vide G.O.(Rt) No.1047 Finance Department dated 22.12.2010 and who had been recruited through Tamil Nadu Public Service Commission to the Tamil Nadu Secretariat Service on or before 28.1.1994, as per the earlier orders passed by the 1st respondent herein vide in G.O.No.126 Personnel and Administrative Reforms (U.Spl) Department dated 29.05.1998 and G.O.(Ms).No.154 P & AR (U.Spl) Department dated 30.10.2009 with all consequential monetary benefits with effect from 22.12.2010.

PRAYER IN W.P.NO.27719 OF 2014:-

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of directing the respondents herein to upgrade the petitioner (Tamil Nadu Public Service Commissions Seniority Number 34/83-III) from the Post of Upgraded Deputy Secretary as to Joint Secretary to Government in the One Unit of Rural Development and Panchayat Raj Department , Secretariat Chennai-9 by stepping up of pay in the Scale of Pay of Rs.37400-67000 with Grade Pay Rs.8800/- with effect from 22.12.2010 on par with her junior Thiru.M.V.Manoharan (Tamil Nadu Public Service Commission Seniority Number 12/83-IV) who has been promoted as Joint Secretary to Government in the Finance Unit, Secretariat, Chennai-9 on 22.12.2010 as per the orders of the 2nd respondent herein vide G.O.(Rt) No.1047 Finance Department dated 22.12.2010 and who had been recruited through Tamil Nadu Public Service Commission to the Tamil Nadu Secretariat service on or before 28.01.1994, as per the orders passed by the 1st respondent herein vide in G.O.No.126 Personnel and Administrative Reforms (U.Spl) Department dated 29.05.1998 and G.O.(Ms).No.154 P & AR (U.Spl) Department dated 30.10.2009, with all consequential monetary benefits with effect from 22.12.2010.

PRAYER IN W.P.NO.27720 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 herein to upgrade the petitioner (Tamil Nadu Public Service Commission Seniority Number 5/83-IV) from the Post of Deputy Secretary as to Joint Secretary to Government in the One Unit of Higher Education Department, Secretariat, Chennai-9 by stepping up of pay in the Scale of Pay of Rs.37400-67000 with Grade Pay Rs.8800/- with effect from 22.12.2010 on par with her junior Thiru.V.Sundar (Tamil Nadu Public Service Commission Seniority Number 9/83-II) who has been promoted as Joint Secretary to Government in the Finance Unit Secretariat Chennai-9 on 22.12.2010 as per the orders of the 2nd respondent herein vide G.O.(Rt) No.1046 Finance Department dated 22.12.2010 and who has been recruited through Tamil Nadu Public Service Commission to the Tamil Nadu Secretariat service on or before 28.01.1994, as per the orders passed by the 1st respondent herein vide in G.O.No.126 Personnel and Administrative Reforms (U.Spl) Department dated 29.05.1998 and G.O.(Ms).No.154 P & AR (U.Spl) Department dated 30.10.2009, with all consequential monetary benefits with effect from 22.12.2010.

PRAYER IN W.P.NO.27721 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 herein to upgrade the petitioner (Tamil Nadu Public Service Commission Seniority Number 93/83) from the Post of Deputy Secretary as to Joint Secretary to Government in the One Unit of Tamil Development and Information Department Secretariat Chennai-9 by stepping up of pay in the Scale of Pay of Rs.37400-67000 with Grade Pay Rs.8800/- with effect from 1.12.2010 on par with her junior Thiru.M.Sampath (Tamil Nadu Public Service Commission Seniority Number 3/83-II) who has been promoted as Joint Secretary to Government in the Finance Unit Secretariat Chennai-9 on 1.12.2010 as per the orders of the 2nd respondent herein issued in G.O.(Rt) No.1002 Finance Department dated 01.12.2010 and who has been recruited through Tamil Nadu Public Service Commission to the Tamil Nadu Secretariat service on or before 28.01.1994, as per the orders passed by the 1st respondent herein vide in G.O.No.126 Personnel and Administrative Reforms (U.Spl) Department dated 29.05.1998 and G.O.(Ms).No.154 P & AR (U.Spl) Department dated 30.10.2009, with all consequential monetary benefits with effect from 01.12.2010.

For Petitioner : Mr.M.Devaraj
in all W.P's.

For Respondent : Ms.S.Anitha
Nos.1 to 4 Special Government Pleader
in all W.P's

For Respondent : Mr.Karthik Rosan
No.5 in all W.P's

C O M M O N O R D E R

The relief sought for in the present writ petitions are to direct 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.

2. The relief sought for in the present writ petitions are 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 petitioners are 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 representation 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.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sli/sms

To

1. The Principal Secretary to Government,
Personnel And Administrative
Reforms Department,
Fort St. George,
Secretariat,
Chennai - 9.
2. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Secretariat,
Chennai - 9.
3. The Secretary To Government,
Public Department,
Fort St. George,
Secretariat,
Chennai - 9.
4. The Principal Secretary to Government,
Labour And Employment Department,
Fort St. George,
Secretariat,
Chennai - 9.

5. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.
6. The Principal Secretary to Government
Rural Development and Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai - 600 009.
7. The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
8. The Principal Secretary to Government
Tamil Development and Information Department,
Fort St.George, Secretariat,
Chennai - 600 009.

+1cc to Mr.M.Devaraj, Advocate, S.R.No.36999
+1cc to the Government Pleader, S.R.No.37661

W.P.NOS.27718 TO 27721 OF 2014

SKM(CO)
PBS/20/07/2022