



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.292 of 2014
and
M.P.No.1 of 2015

R.Karthikeyan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Finance (CMPC) Department,
Secretariat,
Chennai - 9.
2. The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
3. The Directorate of Technical Education,
Chennai - 600 025.

.. Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the order passed in the Letter No.69239/CMPC/2013-1 dated 12.12.2013 and quash the same and direct the respondents to revise the scale of pay for the post of Foreman Instructor (Electronics) held by the petitioner on par with and pay the same to the petitioner.

For Petitioner : M/s.C.Uma

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

The issues raised in the present writ petition is no more res integra. The Hon'ble Supreme Court of India elaborately considered the similar issues in the case of Tamil Nadu Rural Development Engineers and Assistant Engineers Association Vs. Government of Tamil Nadu and Others in Civil Appeal No.10029 of



2017 and the order was passed on 28.11.2019. The relevant paragraphs of the order reads as under:

"20. It must be stated that the recommendations of the 7th Central Pay Commission have since been made and the issue regarding implementation of such recommendations is presently under active consideration. The present matters which pertain to the recommendations of the 6th Central Pay Commission therefore need to be resolved at the earliest. In the circumstances, we request the PGRC to conclude the entire exercise within four months from today.

By way of clarification, it is added that the affected categories shall not be permitted to migrate to 7th Central Pay Commission scales on the basis of the higher scales till such time as the final decision is taken.

21. Lastly, it is clarified that the observations in the present order have been made purely from the stand point of consideration whether the decision of the State Government in constituting the PGRC was correct or not and not by way of reflection on merits of the matter. The matter shall be considered by the PGRC and the State Government purely on merits and uninfluenced by any of the observations made by us.

22. With the aforesaid directions, these appeals are disposed of without any order as to costs."

2. In view of the orders cited supra issued by the Apex Court of India, the representation submitted by the writ petitioners are also to be considered along with other representation submitted by the similarly placed persons.

3. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Finance (CMPC) Department,
Secretariat,
Chennai - 9.

2. The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

3. The Directorate of Technical Education,
Chennai - 600 025.

+1cc to M/s.C.Uma, Advocate, S.R.No.35138

+1cc to the Government Pleader, S.R.No.34872

W.P.No.292 of 2014

NR(CO)
CT/22/06/2022