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W.P.No.31162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31162 of 2022

Dr.S.Bhakthavatsala Bharathi

... Petitioner

Vs

1. The Secretary to Government (Finance),
Chief Secretariat, Puducherry – 605 001.

2. The Secretary to Government (Arts & Culture),
Chief Secretariat, Puducherry 605 001.

3. The Director (Art & Culture),
Puducherry-605 001

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take suitable action on the representations filed before the respondent on 13.01.2022 and reminder dated 27.07.2022 within the time limited as fixed by this Court.

For petitioner	...	Ms.S.Sabrina
For Respondents	...	Ms.G.Djearany Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the

respondents to pass final orders on the petitioner's representation dated 13.01.2022

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and reminder sent on 27.07.2022 within a time frame to be fixed by this Court.

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2. The petitioner states that he joined Puducherry Institute of Linguistics and Culture in August 1990 and retired from service on attaining the age of superannuation on 30.06.2019 after rendering 29 years of unblemished service. The petitioner submits that the Office Order for conferment of Selection Grade/Reader scale from the Assistant Professor in Puducherry Institute Linguistics and Culture, Puducherry was issued on 15.12.2014 and new pay scale was effected from 12.12.2014 onwards and the past period i.e., the date of eligibility for getting Selection Grade/Reader pay band has not yet been settled by the employer. According to the petitioner, the same is resting with the authorities for the past seven and half years without disbursing the promotional pay to the petitioner on time.

3. The petitioner further submits that the Academic and Non-Academic Staff of the Puducherry Institute of Linguistics and Culture (PILC) are governed by the Service Rules as applicable to the Administration of the Union Territory of Puducherry in toto. However, according to the petitioner, the Selection Grade/Reader pay scales are not yet disbursed by the authorities to the Academic staff of the PILC .



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4. The petitioner states that when the employees of other societies of the very same administration had received Selection Grade/Reader scale arrears and other benefits, the said Pondicherry Institute of Linguistics and Culture alone is deprived of the same to their own staff. According to the petitioner, the matter of non-payment of arrears to the Selection Grade/Reader scale from 25.07.2007 to 11.12.2014 has already been taken up with the respective competent authorities and Director, Arts and Culture, Puducherry initially on 12.10.2020, 13.01.2022 and finally on 27.07.2022. The contention of the petitioner is that the authorities could atleast disburse the arrears in instalments instead of in one lump sum. This has not been done so far from the date of issuance of the sanction order on 12.12.2014. In such circumstances, the petitioner has given a representation on 12.10.2020 to the respondents and thereafter a reminder was also sent on 13.01.2022. Since the representation as well as the reminder have not been considered till date, the petitioner has filed this writ petition.

5. Heard Mr.P.Suresh, learned counsel for the petitioner and Ms.G.Djearany, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.



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6. The petitioner has filed documents including the Office Order of the Puducherry Institute of Linguistics and Culture dated 15.12.2014 along with this writ petition. It is for the respondents to consider the same on merits and in accordance with law and decide as to whether the petitioner is entitled for the relief sought for in his representation.

7. No prejudice would be caused to the respondents if the petitioner's representation dated 13.01.2022 and his reminder letter dated 27.07.2022 are considered on merits and in accordance with law within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 13.01.2022 followed by his reminder dated 27.07.2022 referred to supra within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

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Index: Yes/ No

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Speaking Order/Non-speaking Order



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To

1. The Secretary to Government (Finance),
Union of India,
Chief Secretariat, Puducherry – 605 001.
2. The Secretary to Government (Arts & Culture),
Chief Secretariat, Puducherry 605 001.
3. The Director (Art & Culture),
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ABDUL QUDDHOSE ,J.,
SR

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