



W.P. No.30772 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30772 of 2022

M.Gunasekaran

...Petitioner

VS.

1. The Secretary to Government,
Home XVII Department,
Secretariat,
Chennai 9.

2. The Director of Fire Services,
Greens Road,
Chennai – 6.

3. The Joint Director of Fire Services,
Greens Road,
North Region,
Chennai – 6.

4. The Divisional Officer,
Tamil Nadu Fire & Rescue Services,
Chennai City North,
Chennai – 600 104.

5. The Accountant General (A & E),
Teynampet,
Chennai – 18.

...Respondents



W.P. No.30772 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 8.9.2015 regarding to refix the pay on par with the petitioner's junior M.Palani for the period after 1.7.2008 as given to Mr.M.Palani and accordingly refix the pay the petitioner's pension and pay arrears with all consequential service and monetary benefits and in the light of orders of this Hon'ble High Court passed in WP (MD) No.1173 of 2020, dated 22.01.2020.

For petitioner : Mr. A. Baskaran
For respondents : Mr.L.S.M. Hasan Fizal,
Additional Govt. Pleader for R1 to R4
Mr.V. Vijayashankar
Standing counsel for R5

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader accepts notice for the respondents 1 to 4 and Mr.V. Vijayashankar, learned Standing counsel accepts notice for the 5th respondent.

3. 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 08.09.2015 requesting for refixation of his pay on par with his junior M.Palani for the period from 1.7.2008 as given to M.Palani, within a time frame to be fixed by this Court.



W.P. No.30772 of 2022

4. The petitioner claims that by order dated 22.01.2020 passed by this Court in WP (MD) No.1173 of 2020, this Court has given the benefit to similarly placed employee by directing the respondents therein to consider the representation of the petitioner therein and to refix his pay based on the pay fixed to his junior.

5. The petitioner claims that he is similarly placed and therefore, his pay will also have to be refixed on par with his junior M.Palani for the period from 01.07.2008. He has given a representation on 08.09.2015 for the said purpose.

6. Heard Mr.A. Baskaran, learned counsel for the petitioner, Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader for the respondents 1 to 4 and Mr.V. Vijayashankar, learned Standing counsel for the 5th respondent.

7. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. It is for the respondents to consider as to whether the order dated 22.01.2020 passed in W.P. (MD) No.1173 of 2020 applies to the case of the petitioner or not.



W.P. No.30772 of 2022

9. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on merits and in accordance with law on the petitioner's representation, dated 08.09.2015 requesting for refixation of his pay on par with his junior M.Palani for the period from 1.07.2008, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, this writ petition stands disposed of. No costs.

21.11.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The Secretary to Government,
Home XVII Department,
Secretariat,
Chennai 9.
2. The Director of Fire Services,
Greams Road,
Chennai – 6.

3. The Joint Director of Fire Services,
Greams Road,
North Region,
Chennai – 6.



WEB COPY



W.P. No.30772 of 2022

ABDUL QUDDHOSE, J.

vsi2

4. The Divisional Officer,
Tamil Nadu Fire & Rescue Services,
Chennai City North,
Chennai – 600 104.

5. The Accountant General (A & E),
Teynampet,
Chennai – 18.

W.P. No.30772 of 2022

21.11.2022