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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.130 of 2020
and
W.M.P(MD)No.78 of 2020

K.Murugesan ... Petitioner

Vs.

1.The Director General,
Highways Department,
Chepauk,
Chennai – 600 005.

2.The Superintending Engineer,
Highways Department,
Alagarkoil Road,
Madurai – 625 002.

3.The Divisional Engineer,
(Construction and Maintenance),
Highways,
Trichy Road,
Dindigul – 7.

4.The Assistant Divisional Engineer,
Highways,
Batlagundu,
DindigulDistrict.

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5.The Accountant General(A & E),
361, Anna Salai,
Teynampet,
Chennai – 600 018. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order Ku.No.22/2015/Aa2, dated 30.09.2019 passed by the third respondent and quash the same and consequently direct the respondents to refix pay of the petitioner in the scale of pay of Rs.5200-20200 + G.P.1900 with effect from 01.01.2006 in the post of Ordinary Grade Traveller's Bungalow Watchman as per G.O.Ms.No.338 Finance (Pay Cell) Department, dated 26.08.2010 and in the scale of pay of Rs.5200-20200 + GP.2600/- with effect from 19.05.2009 in the Selection Grade Post of T.B. Watchman as per Government, Finance Department letter No.63305/Pay Cell/2010-1 dated 08.11.2010 and Letter Roc.No.45529/F.3/2010-1 dated 01.10.2012 of the Commissioner of Municipal Administration, Chennai, i.e., on par with the T.B.Watchman in the Municipal Administration Department and disburse the salary arrears, other monetary benefits and revised pensionary benefits within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy
For R-1 to R-4 : Mr.S.P.Maharajan,
Special Government Pleader
For R-5 : Mr.P.Gunasekaran,
ACGSC

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ORDER

This writ petition has been filed by the petitioner challenging the order passed by the third respondent, dated 30.09.2019, in and by which, the petitioner's request to revise the pay scale was rejected.

2. The case of the petitioner is that he worked as a Traveller's Bungalow Watchman and retired from service on 31.05.2019. He made a representation before the third respondent on 16.08.2019, to revise the pay scale as per G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.338 Finance (Pay Cell) Department, dated 26.08.2010 and and the said representation was rejected by the third respondent vide impugned order, dated 30.09.2019, stating that both the Government Orders are not applicable to the petitioner. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned Special Government Pleader appearing for the respondents 1 to 3, would submit that the petitioner worked as a Traveller's Bungalow Watchman and the Government Orders relied on by the

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petitioner are not applicable to the petitioner as the said Government Orders are applicable only to technical posts and therefore, this writ petition is liable to be dismissed.

4. The learned counsel appearing for the petitioner would fairly submit that the above said Government Orders are not applicable to the petitioner and it would suffice, if this Court grants liberty to the petitioner to make a fresh representation in case any Government Order is applicable to the case of the petitioner.

5. Recording the said submission, this Writ Petition is dismissed with a liberty to the petitioner to work out his remedy in the manner known to law, in case any Government Order is applicable to the case of the petitioner. No Costs. Consequently, connected miscellaneous petition is closed.

05.12.2022

Index: Yes/No
Internet: Yes/No
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