



WP(MD)No.14278 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.14278 of 2022

Madasamy

... Petitioner

/vs./

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer,
(Village Panchayat)
Ambasamudhiram Panchayat Union,
Ambasamudhiram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.02.2022 for fix proper wage as per the seniority of the petitioner.

For Petitioner : Mr.R.Pon Karthikeyan



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For R1 : Mr.D.Farjana Ghousia
Special Government Pleader

For R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

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

2.This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 08.02.2022 for fixing proper wage as per the seniority of the petitioner.

3.The learned counsel for the petitioner submitted that disciplinary proceedings were initiated against the petitioner for his unauthorized absence from 12.08.2008 to 29.11.2008. The petitioner participated in the enquiry. However, after completion of enquiry, he was dismissed from service on 29.12.2008. Therefore, the petitioner has raised an industrial dispute in I.D.No. 26/2013 before the Labour Court, Tirunelveli and the same was dismissed.



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Challenging the said dismissal order, WP(MD) No.16304 of 2014 has been filed by the petitioner before this Court. This Court has set aside the order of the Labour Court, the petitioner was directed to be reinstated in service without back-wages and the period of absence was ordered to be treated as duty for all other purposes. However, the respondents have not given proper wages to the petitioner and he was paid a sum of Rs.3,340/- per month, which he received at the time of appointment. Therefore, he submitted a representation dated 08.02.2022 seeking revision of his pay, referring his juniors, who are getting more pay than him.

4.The learned Special Government Pleader appearing for the first respondent submits that the petitioner pay is revised from the month of May 2022. As per the revised pay, his basic pay is Rs.4,100/-, Dearness allowance is Rs.1271/-, Special Pay is Rs.300/-, Medical Allowances is Rs.400/-. Totally, the gross pay of the petitioner is Rs.6,071/-. After deduction, she is entitled to get the net pay of Rs.5,461/-.



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5. In reply, the learned counsel for the petitioner submitted that the petitioner is entitled to get more than the amount as fixed by the respondents.

6. In the light of the submissions made by the learned counsel appearing for the parties, the fact that the petitioner is said to have received the same salary from the date of appointment and also considering the revision of his pay from May 2022, the respondents are directed to consider the petitioner's representation dated 08.02.2022 and fix the correct pay as per his entitlement, within a period of four weeks from the date of receipt of a copy of this order. The arrears amount shall be paid within a month thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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Order made in
W.P.(MD)No.14278 of 2022

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08.07.2022