



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.18975 of 2018

C.Rajaraman

... Petitioner

vs

1. The Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai - 600 009.
2. The Director of Local Fund Audit Department,
Integrated Finance Department Office Complex,
4th Floor, Nandanam,
Chennai - 600 035.
3. The District Collector,
Karur District, Karur.
4. The Commissioner of Panchayat Union,
Kulithalai, Kulithalai Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent i.e. the Director of Local Fund Audit Department, Chennai relating to the impugned orders passed in his Moo.Mu.No.15175/U.O.Oo.Sa(2)/2018, dated 13.07.2018 and quash the same and consequently direct the respondents to re-fix the pension of the petitioner as per the proceedings No.R.C.A1/99/2016 dated 26.02.2018 of the Commissioner of Panchayat Union, Kulithalai within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Kameswaran
Government Advocate (Civil side)



O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order date 13.07.2018 and to re-fix the pension as per the proceedings dated 26.02.2018 of the Commissioner Panchayat Union, Kulithalai within a specific period.

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2. The impugned order states that the petitioner worked as a Skilled Assistant Grade II but was receiving the scale of pay of Unskilled Assistant. The Unskilled Assistants were redesignated as Helpers. As per the earlier government orders there is no post of Unskilled Assistant in the Panchayat Unions. G.O. Ms. No. 338 Finance (Pay Cell) Department dated 26.08.2010 the Unskilled and Semiskilled were redesignated as Unskilled and the scale of pay of Rs.3050-4590 was fixed. Consequently the entry level unskilled and semiskilled were redesignated as Skilled Assistant Grade - II and pay was revised as Rs.3200-4900. Further the G.O. Ms. No. 325 Finance (Pay Cell) Department dated 22.07.2013 for all the entry level post of Skilled Assistant Grade II, the ITI Certificate and SSLC prescribed qualification and the scale of pay was revised from 5200-20200+2000GP to Rs.5200-20200+2400GP. As per G.O. Ms. No. 325 the petitioner designation was Skilled Assistant Grade II and the original scale of pay in that cadre was re-fixed as 5200-20200+2400GP and Special Grade was also fixed as 9300-34800+4200GP with effect from 01.01.2006. The arrears in the said scale of pay were also paid from 01.03.2011. However, the revised pay was not effected in the pension stating that the petitioner has worked in Unskilled Assistant. Aggrieved over the present writ petition is filed.

3. The second respondent has filed a counter stating that it is the duty of the administrative department to get a specific government order or rule amendment to the post of Skilled Assistant on the basis of G.O. Ms. No. 338 Finance (Pay Cell) Department dated 26.08.2010 and the same should have to be enclosed with the proposal. But in this case there is no amendment and hence in the absence of the above said Specific Government Order or Rule amendment to revise pay in the Skilled Assistant post, his revised pension proposal was rejected by this respondent's office Lt. No. Mu. Mu. No. 15175 / PUPV(2) / 2018 dated 13.07.2018.

4. This Court is of the considered opinion that the said issue ought to be considered by the first respondent Government since it is the policy decision of the government. The Panchayat Union Commissioner, Kulithalai has submitted a revised proposal in Lt.No.A1/099/2016 dated 25.04.2018. Therefore, this Court directs the Government to consider the proposal of the fourth respondent in the light of G.O.Ms.No.234 and G.O.Ms.No.338 and issue government order within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (ADMIN-I)

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/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai - 600 009.
2. The Director of Local Fund Audit Department,
Integrated Finance Department Office Complex,
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3. The District Collector,
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4. The Commissioner of Panchayat Union,
Kulithalai, Kulithalai Taluk,
Karur District.

+1 CC to M/s.SPL.GP. (SR-22094[F] dated 28/04/2022)

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-22308[F] dated
28/04/2022)

W.P. (MD) No.18975 of 2018
27.04.2022

RD(19/05/2022) 3P 7C