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WP.No.10034/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.10034/2018

G.Rajendran

... Petitioner

Versus

1.The Government of Tamil Nadu
rep.by the Secretary
Public Works Department
Fort St George, Chennai-9.

2.The Engineer-in-Chief [Buildings] &
Chief Engineer [General]
Public Works Department
Chepauk, Chennai-5.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records on the file of the 1st respondent pertaining to the issue of he impugned order namely Letter No.27838/A2/2011-1 dated 21.05.2012 issued by the secretary to 1st respondent and on the file of the 2nd respondent pertaining to his proceedings No.S1 (1) / 35330 / 2011-4 dated 07.06.2012 and quash the same and consequently direct the respondents to revise the pay of the petitioner on par with his junior Mr. R. Baskar Assistant Executive Engineer with effect from 06.10.2007.



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For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.S.Ravikumar, Spl.GP

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records of the 1st respondent, Principal Secretary to Government, Government of Tamil Nadu, Chennai, in Letter No.27838/A2/2011-1, dated 21.05.2012, and the proceedings of the 2nd respondent, Engineer-in-chief [Buildings] and Chief Engineer [General], Public Works Department, Chennai, in proceedings No.S1 (1) / 35330 / 2011-4 dated 07.06.2012 and to quash both the said Letter and the proceedings and to direct the respondents to revise the pay of the petitioner with respect to and on par with his junior R.Baskar, Assistant Executive Engineer with effect from 06.10.2007.
- (2) In the affidavit filed in support of the writ petition, it had been stated that the petitioner had retired in the post of Joint Chief Engineer [Superintending Engineer] in Tamil Nadu Public Works Department. He had joined the service originally as Assistant Engineer on 06.08.1981 after being selected by the Tamil Nadu Public Service



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Commission in a competitive examination. He further stated that much later, on 21.10.1983, his junior, R.Baskar, joined as Assistant Engineer in the subsequent selection process as Assistant Engineer. The petitioner therefore, claims that he is senior to the said R.Baskar.

- (3) It must also be stated that along with this writ petition, there was yet another writ petition which had come up for consideration, namely, WP.No.9951/2018. That particular writ petition had been filed by A.Pragdeeswaran, who was at the time of filing the said writ petition, working as Executive Engineer in the Public Works Department. He had also joined the service as Assistant Engineer after being selected by the Tamil Nadu Public Service Commission and had joined the said post along with the said R.Baskar. However, he claimed that he was senior to R.Baskar in the seniority list with respect to that particular selection list of the year 1983-1984.
- (4) It is thus evident that the petitioner herein G.Rajendran, is senior to both A.Pragdeeswaran, petitioner in WP.No.9951/2018 and R.Baskar. As a matter of fact, he is senior not only by his designation, but he had been selected in an entirely separate selection



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process which was held in the year 1981-1982, whereas, R.Baskar and A.Pragdeeswaran were selected as Assistant Engineers in a much later selection process of the year 1983-1984. Therefore, even at the outset, it should be stated that the petitioner deserves to be put up on the pay scale which is not less than that of his juniors, A.Pragdeeswaran and R.Baskar.

- (5) The grievance of the petitioner is that however, his pay scale is lower than his junior R.Baskar. Contending that his pay should be stepped up, he had given representations which had been rejected by the impugned Letter and the proceedings of the respondents 1 and 2.
- (6) It must be pointed out that when both the writ petitions had come up for consideration, the learned counsel for the petitioners pointed out that the petitioner in WP.No.9951/2018, A.Pragdeeswaran, had been benefited by his pay being stepped up to equalise with that of his junior R.Baskar and necessary orders had been passed in G.O.Ms.No.112, dated 04.12.2022. It is also contended that subsequently consequential proceedings had also been issued and on revision of his pay, the arrears payable had also been credited to his



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account. The learned counsel had also made necessary endorsement in that regard in the case records of WP.No.9951/2018.

- (7) The only reason why the respondents have not extended that particular benefit to the petitioner herein is owing to various writ petitions which are said to be pending filed by the Service Associations. I hold they have nothing to do with the individual case of the petitioner herein who only seeks the right that his pay should be on par with his juniors and should be equalised with his juniors. It should also be ensured that juniors are not paid higher scale of pay than the petitioner herein.
- (8) The learned counsel for the petitioner also stated that reliance placed by the respondents on G.O.Ms.No.399, is misplaced since, that particular Government Order does not relate to stepping up of pay on par with juniors. In view of the fact that necessary orders have been passed by the respondents with respect to the petitioner in WP.No.9951/2018, it is only prudent that the same ratio is applied to the petitioner herein. The Impugned Orders do not refer to the grant of such relief to A.Pragdeeswaran, and therefore, the said relief have



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to be granted.

(9) The impugned Letter and the consequential proceedings of the respondents 1 and 2 are therefore, set aside. The matter is remitted back to the respondents 1 and 2 to consider the case of the petitioner keeping in mind, their own proceedings in G.O.Ms.No.112, dated 04.12.2022 which had been subsequently complied by the respondents and pay revision had also been granted to A.Pragdeeswaran and the difference in pay had also been credited to his account. The respondents must keep in mind, that a senior who had been selected in the selection process for the year 1981-1982, can never be granted lesser scale of pay than his junior who had been selected in a much later selection process in the year 1983-1984. In order to maintain parity, necessary orders may be passed by the respondents 1 and 2 within a period of twelve weeks from the date of receipt of a copy of this order.

(10) The writ petition stands **allowed**. No costs.

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AP



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Internet : Yes
To

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- 2.The Engineer-in-Chief [Buildings] &
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C.V.KARTHIKEYAN, J.,

AP

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