



W.P. No.18066 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.08.2023**

CORAM:

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P. No.18066 of 2008
and M.P.No.2 of 2008

V.Ananda Kumar

.. Petitioner

VS.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St. George, Chennai - 600 009.

2. The Chief Engineer, (General),
Highways Department,
Chepauk, Chennai - 5.

3. The Chief Engineer,
Highways Department,
Panagal Malligai,
Saidapte, Chennai - 600 015.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in G.O.Ms.No.39 dated 25.02.2004 and quash the same in so far it does not protect the pay scale and consequently direct the respondents to fix the pay scale of the petitioner at Rs.4000-100-6000 as per the scale of pay received before redeployment.



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For Petitioner : Mrs.C.Uma
For Respondents : Mr.M.Muthusamy
Government Advocate

ORDER

The writ petition is filed contending that while redeployment, the petitioner was not given pay protection.

2. Though there is no difference in the pay received by the petitioner both at pre-deployment and post-deployment, but, there is a huge disparity in the pay scale fixed after redeployment.

3. When another set of persons filed writ petitions before this Court in WP Nos.17445 and 17446 of 2008, this Court by an order dated 02.11.2018 have been disposed of the same, wherein after analysing Rule 40-A of the Tamilnadu State and Subordinate Service Rules, the learned Judge of this Court has held that though the redeployment is in the lower cadre post, the pay has been protected and the General Rule 40-A is not applicable to the petitioners and only on sympathetic ground, the petitioners have been redeployed instead of retrenching them and also taking note of the entirety of the matter, the writ petitions were dismissed.



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4. I have no hesitation in accepting the finding rendered by Hon'ble Mrs.Justice V.Bhavani Subbaroyan and the writ petition is devoid of merits and stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

02.08.2023

Index: Yes/No
Speaking/Non-Speaking Order
Neutral Citation: Yes/No.
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To

1. The Secretary to Government,
State of Tamil Nadu,
Highways Department,
Fort St. George, Chennai - 600 009.

2. The Chief Engineer, (General),
Highways Department,
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RMT.TEEKAA RAMAN, J.

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