



W.P.No.27958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27958 of 2023

and

W.M.P.No.27459 of 2023

1.R.Sokku
2.E.Munusamy
3.V.Vadivelu
4.M.Manickam
5.P.Velayutham
6.M.Subramanian
7.M.Mathias
8.K.Chitrabalam
9.T.Kanniyammal
10.J.Ranjitham
11.R.Amutha

... Petitioners

Vs.

1.The Additional Chief Secretary to Government,
Water Resource Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Principal Secretary to Government,
Finance Department, Secretariat,
Fort St. George,
Chennai – 600 009.

3.Engineering in Chief (WRD)/
Chief Engineer General,
Water Resource Department,
Chepauk, Chennai – 600 005.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in proceedings No.S(4)3/32803/2023 dated 01.09.2023 and quash the same and consequently direct the respondents to implement the revised scale of pay, 2009 as per the recommendations of 'One Man' Commission and sanctioned by the Government in G.O.Ms.No.338 Finance (Pay Cell) Department dated 26.08.2010 and Government in G.O.Ms.No.325 Finance (Pay Cell) Department dated 22.07.2013 and as per the guidelines and recommendations issued subsequently in the various Government notifications in favour of the petitioners considering their services rendered by them without any promotional avenues.

For Petitioners : Mr.L.P.Shanmugasundaram and
Mr.M.Thirumoorthy

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

Mr.P.Balathandayutham, learned Special Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.



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2. This writ petition has been filed challenging the order passed by the third respondent, dated 01.09.2023, mainly on the ground that despite the direction of this Court to give an opportunity of personal hearing to the petitioners, no personal hearing has been granted while considering the representation of the petitioners and orders have been passed.

3. This Court, by an order dated 20.07.2023, directed the respondents to consider the representation of the petitioners after giving an opportunity of personal hearing to the petitioners and pass orders on merits within a period of two months. However, the impugned order passed on 01.09.2023 does not indicate any such personal hearing given to the petitioners.

4. The main issue is with regard to the revision of Pay Scale as recommended by the One Man Commission and sanctioned by the Government. According to the petitioners, despite sanctioning of Revised Pay Scales, the order has not been implemented.



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5. In such view of the matter, the impugned order dated 01.09.2023 passed by the third respondent is quashed and the matter is remitted back to the first respondent for passing a fresh order. It is made clear that before passing the final order, notice shall be served to the petitioners. Thereafter, the first respondent shall pass fresh orders on merits and in accordance with law after giving an opportunity of personal hearing to the petitioners, within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is allowed in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

26.09.2023

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order
rsi



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To
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- 1.The Additional Chief Secretary to Government,
Water Resource Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Finance Department, Secretariat,
Fort St. George,
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- 3.Engineering in Chief (WRD)/
Chief Engineer General,
Water Resource Department,
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N. SATHISH KUMAR, J.
rsi

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