



W.P.(MD)No.3547 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.3547 of 2020

T.Thirumalaikumaran

...Petitioner

-Vs.-

1.The Treasury Officer,
District Treasury Office,
Tirunelveli District,
Tirunelveli..

2.The Sub Treasury Officer,
Sub Treasury Office,
Sankarankovil,
Tirunelveli District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to disperse the petitioner's salary as per the order passed by the Learned Subordinate Judge, Tirunelveli in R.No.668/17 dated 31.01.18 within the time stipulated by this Court.

For Petitioner : Mr.F.X.Eugene



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For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The relief sought for in the present Writ Petition is to direct the respondents to disperse the petitioner's salary as per the order passed by the Learned Subordinate Judge, Tirunelveli, in R.No.668/17, dated 31.01.2018.

2. The petitioner was holding the post of Central Nazir and presently working as Sheristadar at Sub Court, Sankarkovil. The petitioner submitted an application, seeking revision of pay in the post of Head Clerk of Judicial Magistrates Court from the time scale of pay of Rs.5000-150-8000 to Rs.5700-175-9200 from 17.08.2009. The petitioner set out his claim based on the ground that the post of Translator, II Additional District Court, Tirunelveli, has been upgraded to the level of Superintendent as per G.O.Ms.No.416, Home (Court-IV) Department, dated 11.01.1993. Since the post was upgraded and the petitioner was holding the said post of Translator, he has submitted an application to revise his pay. The learned Subordinate Judge, Sankarankovil, in his



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proceedings, dated 31.01.2018, passed an order for revision of pay. The said order has not been acted upon by the Treasury Department. Thus, the petitioner is constrained to move the present Writ Petition.

3. Learned counsel for the petitioner made a submission that the application submitted by the petitioner, seeking revision of pay was considered by the learned Subordinate Judge, who in turn passed an order on 31.01.2018 and therefore, the Treasury Officers are bound to implement the same by granting revision of pay in favour of the writ petitioner.

4. Learned Government Advocate appearing on behalf of the respondents made a submission that such proposals submitted by the Departments are to be verified with reference to the Government Orders and only after confirming the correctness of the fixation, the Treasury Officer has to act in accordance with the rules in force.

5. In view of the facts and circumstances, the respondents are directed to verify the correctness of the re-fixation order passed by the learned Subordinate Judge, Sankarankovil, in proceedings R.No.668/17



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dated 31.01.2018, and thereafter, take a decision and if the petitioner is otherwise eligible, the revision of pay is to be granted by following the procedures. It is made clear that the correctness of the fixation made by the learned Subordinate Judge is to be verified with reference to pay rules and Government Orders in force. The said exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. No costs.

[S.M.S.J.] & [V.L.N.J.]
19.10.2023

NCC :Yes/No
Index :Yes/No

SJ

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