



W.P.(MD).No.8596 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.8596 of 2016
and
W.M.P.(MD).No.6890 of 2016**

B.Murugajothimalar

... Petitioner

Vs.

1.The Tahsildar,
Thirumangalam Taluk,
Taluk Office,
Thirumangalam,
Madurai District.

2.The Assistant Treasury Officer,
Sub-Treasury,
Thirumangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned order issued by the second respondent vide T 5467/05.10.2015, Quash the same and to direct the second respondent to disburse the petitioner's salary in pursuant to the orders passed by the first respondent in NA.KA.No.10097/A1 dated 22.09.2015



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For Petitioner : No Appearance

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 05.10.2015 with consequential relief to direct the second respondent to disburse the petitioner's salary based on the order dated 22.09.2015.

2. The petitioner has served as Village Administrative Officer and the petitioner is entitled to the benefit of pay scale (higher start of two stages above the minimum scale of pay). But the said benefit is restricted to a period which is evident from para 5 of the Government Order in G.O.Ms.No.241 Finance (Pay Cell) Department dated 22.07.2013 and the same is extracted hereunder:

“5) The compensation of the difference in pay as “Personal Pay” to directly recruited Assistants/Accountants shall take notional effect from 1-1-2006 with monetary benefit from 1-4-2013. Further, the orders of dispensation of higher start of pay to the Junior Assistants / Typists and Record Clerks shall also take effect from the same date. However, in cases where higher start of pay has already been granted between 1-4-2013 and the date of issue of order, such cases need not be effected any recovery”.



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Since the petitioner is not coming within the period stated in the said Government Order, the petitioner is not entitled to. Moreover, as rightly pointed out by the respondents that the amount is paid for the year 2013. The Government Order is not stating to pay it in the year 2015 which is restricted in the year 2013.

3. The learned Additional Government Pleader appearing for the respondents further submitted that the amount is already recovered. Since the amount is minimum, this Court is not inclined to interfere with the order.

4. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

To

- 1.The Tahsildar,
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- 2.The Assistant Treasury Officer,
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