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W.P.No.11347 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2024

CORAM:

THE HONOURABLE JUSTICE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.11347 of 2015

Dr.M.Thamizharasu

... Petitioner

Vs.

1. The Secretary to Animal Husbandry & Fisheries,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Secretary to Finance (Pay Cell),
Secretariat, Fort St. George,
Chennai-600 009.
3. The Commissioner of Animal Husbandry &
Veterinary Service, D.M.S.Compound,
Teynampet,
Chennai.
4. The Assistant Director of Animal Husbandry,
Kallakuruchi, Villupuram District.

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the respondents to fix the petitioner pay scale as per G.O.Ms.No.263 and Govt Letter No.63305/pay cell dated 08/11/2010 selection grade pay corresponding



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to pay band-3 Veterinary Assistant Surgeon (ordinary grade) in the pay band 15600-39800 + 5700 (pre-revised pay is Rs.9100/-) according to the petitioner selection grade service span of 7 years as per pay fitment table-20, pay in the pay band Rs.20,000/- and grade pay the Rs.5700/- = Rs.25,700/-.

For Petitioner : Mr.R.Nareshkumar

For Respondents : M/s.M.S.Premkumar
Government Advocate

ORDER

This Writ Petition is filed seeking for mandamus directing the respondents to fix the pay of the petitioner as per the G.O.Ms.No.263 and Govt Letter No.,63305/pay cell dated 08.11.2010 Selection grade pay corresponding to pay band-3 Veterinary Assistant Surgeon (ordinary grade) in the pay band 15600-39800 + 5700 (pre-revised pay is Rs.9100/-) according to the petitioner selection grade service spam of 7 years as per pay fitment table -20, pay in the pay band Rs.20,000/- and grade pay Rs.5700/- = Rs.25,700/-.

2. The petitioner was appointed as Veterinary Assistant Assistant Surgeon on 06.04.1990. He has reached the selection grade in the same post after completion of 10 years of service on 05.04.2000. According to



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petitioner, his pay scale should have been fixed in accordance with the parameters formulated in the G.O.Ms.No.263 Fin (pay cell) dated 26.08.2010 and as per the Government letter No.63305/pay cell dated 08.11.2010 selection grade pay corresponding to the pay band-3 Veterinary Assistant Surgeon in the pay band 15600-39800 + 5700 by rightly considering the service of the petitioner in accordance with the pay fitment table-20. However, the Assistant Director of Animal Husbandry, Kallakuruchi by his order having reference No.2349/10 dated 11.02.2011 cancelled the previous order having reference No.83/a/2009 dated 23.06.2009 and fixed the pay of the petitioner in Sl.No.19, 15600-39800 +5700 Annexure-1 of the government letter No.633305/pay cell dated 08.11.2010 and fixed the petitioner's pay at Rs.18,000 + 5700/- (pre-revised pay as Rs.8000/- equal to ordinary grade) total Rs.23700/- in the pay band 15600-39800 + 5700. According to petitioner, he is eligible to get to pay more than the pay band-3 ordinary grade Veterinary Assistant Surgeon, and he has made several representation including one on 17.03.2015, but there is no response. Hence, the petitioner has preferred this Writ Petition.

3. Heard both sides and perused the records.



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4. It is submitted by the petitioner that basing on the G.O.Ms.No.263, the respondents should have refixed the pay scale of the petitioner. The petitioner has made representation, but there was no response even after filing of this Writ Petition. The respondent should have been disposed of the representations of the petitioner by following due process. However, even after filing of this Writ Petition, the said representation was not been disposed of.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing on either side, this Writ Petition is dispose of directing the respondents to consider the representation of the petitioner dated 17.03.2015 and dispose of the same as quickly as possible within a period of four weeks. No costs.

05.01.2024

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Index:Yes/No
Speaking Order: Yes/No

To



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Dr.D. NAGARJUN, J.

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