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W.P.No. 52 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 52 of 2018
and
W.M.P.No. 53 of 2018

M. Kaliappan

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Finance Department,
Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Public Works Department,
Fort St. George,
Chennai – 600 009.
- 3.The Engineer in Chief (WRO)
cum Chief Engineer (General),
Public Works Department,
Chennai – 600 005.
- 4.The Engineer in Chief (Buildings)
cum Chief Engineer (Buildings),
Chennai Zone, Public Works Department,
Chennai – 600 005.
- 5.The Executive Engineer,
Water Resources Organisation,
Public Works Department,
Colleron Basin Sub Division,
Chidambaram.

... Respondents



W.P.No. 52 of 2016

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned letter No.21403/C1/2014-7, dated 05.08.2015 issued by the second respondent and quash the same and consequently direct the respondents 1 and 2 to refix the scale of pay of the petitioner at Rs.5200-20200+GP 2600 (Pre Revised Scale of Pay) with effect from 01.01.2006 on the basis of the proposal of the third respondent submitted in proceeding Letter No.S5 (1)/048834/2014 dated 18.09.2014 and accordingly revise the scale of the petitioner at Rs.20000- Rs.63600 (which is the corresponding pay structure for the pre revised scale of pay of Rs.5200 – Rs.20200 + G.P.Rs.2600 at per G.O.Ms.No. 303 Finance (Paycell) Department dated 11.10.2017) with effect from 01.01.2017 with all consequential monetary and service benefits.

For Petitioner : Mr. R. Prem Narayan

For Respondents : Mr. L.S.M. Hasan Fizal,
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of certiorarified mandamus seeking the records of a letter in Letter No.21403/C1/2014-7, dated 05.08.2015 issued by the second respondent and quash the same and consequently direct the respondents 1 and 2 to refix the scale of pay of the petitioner at Rs.5200-20200+GP 2600 (Pre Revised Scale of Pay) with effect from 01.01.2006 on the basis of the proposal of the third respondent submitted in proceeding Letter No.S5 (1)/048834/2014 dated 18.09.2014 and accordingly revise the scale of the petitioner



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at Rs.20000- Rs.63600 (which is the corresponding pay structure for the pre revised scale of pay of Rs.5200 – Rs.20200 + G.P.Rs.2600 at per G.O.Ms.No. 303 Finance (Paycell) Department dated 11.10.2017) with effect from 01.01.2017 with all consequential monetary and service benefits.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the records.

3. During the course of hearing, the learned counsel for the petitioner has placed a reliance of the order dated 03.08.2023 in W.P.No. 22704 of 2017 passed by this Court to substantiate the claim of the petitioner.

4. The learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the order relied on by him.

5. The learned Additional Government Pleader also endorsed the same.

6. On perusal of the order in W.P.No. 22704 of 2017, this Court satisfied that the issue involved in the present case is squarely covered by the said order.



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7. This Court while disposing the W.P.No. 22704 of 2017 by order dated 03.08.2023 held as extracted herein under : -

(7) Even though the writ petition has been filed in the nature of a certiorarified mandamus, I would issue a mandamus to the 3rd respondent to examine the revision of the pay of the petitioner herein and examine whether the same can be considered at this point of time and forward it to the 2nd respondent. The 2nd respondent may pass their remarks on it and forward it to the 1st respondent. The ultimate responsibility to pass necessary orders lies with the 1st respondent. The 1st respondent may therefore, take a considered decision whether for the period where the VI pay Commission was in force, the pay anomaly of Irrigation Inspectors has to be addressed and the manner in which it should be addressed. The decision taken should rest only with the 1st respondent. I hope that the papers would not bounce from one office to another, but a decision would be taken at the earliest.

(8) The petitioner shall give a fresh representation enclosing all details and facts, which according to the petitioner are relevant and forward it to the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order. The 3rd respondent may, within a period of four weeks from the date of receipt of such representation, with his remarks and recommendation or any other note, forward it to the 2nd respondent. The 1st respondent may pass orders within a period of four further weeks.



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8. Considering the facts and circumstances of the case and the order passed by this Court as stated supra, in the considered opinion of this Court, this writ petition can be disposed of in terms of the order in W.P.No.22704 of 2007.

9. Accordingly, this Writ Petition is disposed of with the following direction: -

i) The petitioner shall give a fresh representation enclosing all details and facts, which according to the petitioner are relevant and forward it to the third respondent within a period of four weeks from the date of receipt of a copy of this order.

ii) The third respondent shall, within a period of four weeks from the date of receipt of such representation, with his remarks and recommendation or any other note, forward it to the second respondent.

iii) The first respondent shall pass orders within a period of six further weeks.

10. Consequently, connected miscellaneous petition is closed.

11. There shall be no order as to costs.



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Index :Yes/No

Neutral Citation :Yes/No

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BATTU DEVANAND, J.

AT

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