



W.P.No.24061 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24061 of 2021 and
W.M.P.No.25387 of 2021

- 1.A.Gnanaprakasam
- 2.R.Mohanasundaram
- 3.V.Elango
- 4.S.Kuralmani
- 5.R.Veluchamy
- 6.P.Ponnusamy
- 7.R.Venkatesan
- 8.M.Panneer Selvam
- 9.S.Subbarayan
- 10.A.Sambath Kumar
- 11.A.Palaniammal
- 12.K.Appavoo
- 13.S.Saroja
- 14.C.Srinivasan
- 15.P.K.Subbramani
- 16.K.Ramasamy
- 17.V.Asokan
- 18.S.Selvi
- 19.M.P.Saravanan
- 20.A.Vijaya
- 21.G.Sekar
- 22.R.Vasanthi
- 23.P.Lakshmanan
- 24.G.Venkatachalam
- 25.R.Sivakumar
- 26.P.Manimekalai



W.P.No.24061 of 2021

27.K.Annamalai
28.A.Kasthuri
29.R.Banumathi
30.L.Uthayarani
31.M.Vijaya
32.S.Namachivayam
33.S.R.Madeswara Moorthy
34.K.Sampooranam
35.M.Subramanian
36.K.Chandra Bose
37.K.Kanakaraju
38.N.Palanisami
39.P.S.Arunachalam
40.M.Bhuvaneswari
41.N.Dhanapal
42.A.Chandran
43.R.Asokan
44.S.Francis
45.R.Thangavel
46.M.Sellappan
47.Ruby Chandra Gantham
48.S.Viswanathan

... Petitioners

Vs.

1.The Director of Sugars,
EVR Periyar Maligai,
690, Anna Salai,
Nandanam, Chennai - 35.

2.The Managing Director,
The Salem Co-op Sugar Mills Ltd.,
Mohanur,
Namakkal District.

... Respondents



W.P.No.24061 of 2021

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 08.08.2019 sympathetically within a time frame.

For Petitioners : Mr.S.Siva Shanmugam

For Respondents : Mr.M.Rajendran, AGP for R1
Mr.R.Balaramesh for R2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 08.08.2019 sympathetically within a time frame.

2. Heard Mr.S.Siva Shanmugam, learned counsel for the petitioners, Mr.M.Rajendran, learned Additional Government Pleader for the first respondent and Mr.R.Balaramesh, learned counsel for the second respondent.

3. The petitioners were the erstwhile staff of Salem Co-operative Sugar Mills Polytechnic College, Namakkal District. They have been



W.P.No.24061 of 2021

working as teachers, technical staff, administrative staff and basic servants and this Writ Petition is filed by alleging that the 5th and 6th pay commission's recommendations were not implemented and the petitioners' pay was not re-fixed as per the above recommendations.

4. The self-financing Polytechnic College has been converted into Government Polytechnic College vide G.O.Ms.No.28, Higher Education (B2) Department dated 31.01.2018. The petitioners have been given with job protection and they have been absorbed into Government service in the posts sanctioned vide G.O.Ms.No.301, Higher Education (B2) Department dated 06.12.2018. Though they have been absorbed and their services were regularised, their pay was not re-fixed consequent to the recommendations of the 5th and 6th pay commission.

5. The fact that the self-financing Polytechnic College has been converted into Government Polytechnic College vide G.O.Ms.No.28 dated 31.01.2018 is not denied. Even according to the submission of the learned counsel for the petitioners, G.O.Ms.No.301, dated 06.12.2018



W.P.No.24061 of 2021

had been ordered for absorption of regular and qualified faculty and staff of the Salem Cooperative Sugar Mills Polytechnic College, Mohanur into Government Service only against the sanctioned posts. Accordingly, 13 teaching faculty, 9 technical staff, 1 administrative staff and 2 basic servants have been absorbed into service. The petitioners fall under that category and they will be entitled to get revised scale of pay as per the 5th and 6th pay commission.

6. Unless the respondents look into the representation of the petitioners and pass any order as to their status of absorption and their entitlement, it will not be known whether the petitioners are entitled to get the pay benefits of pay commission's recommendations.

7. Hence, this Writ Petition is disposed by directing the respondents to consider the representation of the petitioners and pass orders to re-fix their scale of pay in accordance with the recommendations of the 5th and 6th pay commission, in case, the petitioners are already absorbed into Government Service pursuant to



W.P.No.24061 of 2021

G.O.Ms.No.301, Higher Education (B2) dated 06.12.2018. No costs.

Consequently, connected miscellaneous petition is closed.

23.01.2024

Index : Yes/No
Internet : Yes/No
Speaking / Non-Speaking
Neutral Citation : Yes / No
gsk



W.P.No.24061 of 2021

To
WEB COPY

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W.P.No.24061 of 2021

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