



W.P.No.10367 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.10367 of 2024

K.Sengottuvel

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep by the Principal Secretary to Government,
Fort St.George,
Chennai – 600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai – 600 015.

3.The District Collector,
Salem District,
Salem.

4.The Commissioner,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for
issuance of a Writ of Mandamus, directing the respondents to consider the



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petitioner's representation dated 12.03.2023 and to pay him selection grade salary at the rate of 9300-34800+420 with all monetary benefits and increments from 2016 to as on date and continue to pay the same with future benefits and increments.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.P.Ganesan
Government Advocate
for R1 to R3
Mr.D.Ravi Chandran
Special Government Pleader
for R4

ORDER

This writ petition is filed to direct the respondents to consider the petitioner's representation dated 12.03.2023 and to pay him selection grade salary at the rate of 9300-34800+420 with all monetary benefits and increments from 2016 as on date and continue to pay the same with future benefits and increments.

2. The grievance of the petitioner in this case is that he was not granted grade pay of 9300– 34800+420 with effect from 22.01.2013. For the said grievance, the petitioner had already filed W.P.No.17281 of 2013. By a



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judgement dated 27.06.2013, the said writ petition was allowed.

Paragraph 9 of the said order is extracted hereunder:-

“9.In my view, the same issue arose before me in W.P.Nos.133 to 144 of 2012 and I allowed the writ petitions on 22.01.2013 granting the section grade pay of Rs.9300-34800+4200 to the petitioners therein. Hence, I am inclined to allow this writ petition directing the respondents to grant selection grade pay of Rs.9300-34800+4200 to the petitioner on completion of 10 years of service and to give him the arrears with effect from 01.03.2011, within a period of eight weeks from the date of receipt of a copy of this order.”

3. It is stated that after the said order though the petitioner was granted grade pay, subsequently the respondents again by an order dated 29.08.2017 stopped the payment of grade pay citing that subsequently a review/appeal has been filed challenging the connected order. The petitioner therefore approached this Court once again by way of writ petition in W.P.No.25381 of 2017 and the said writ petition was allowed by an order dated 27.01.2022.

The prayer in the said writ petition is as follows:-

“Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.968/2016/A1, dated 29.08.2017 passed by the 4th respondent, quash the same and consequently direct the respondents to continue the payment of selection grade pay as per the Letter No.63305/Pay Cell/2010-1 dated 08.11.2010 and G.O.Ms.No.65, Finance (Pay Cell) Department dated 26.02.2011 issued by the 1st respondent.”



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WEB COPY 4. The operative portion of the order dated 27.01.2022 in Paragraph

No.6 is extracted hereunder:-

“6. In the light of the above observations, the impugned order dated 29.08.2017 passed by the fourth respondent herein is quashed. Accordingly, the Writ Petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.”

5. Therefore, when already orders are there granting the relief to the petitioner, if the respondents have disobeyed the said orders, a repeated writ petition for the same relief would not lie and the remedy of the petitioner would be to file appropriate proceedings to enforce the aforesaid orders.

6. With the said liberty, this Writ Petition is disposed of. No costs.

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Index : Yes
Speaking Order: Yes
Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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