



W.P.No.18416 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.18416 of 2018

1. P.Kesavan
2. D.Babu
3. R.Santhi
4. B.Saravanan
5. D.Rebester
6. G.BalajiRajan
7. K.Babu
8. G.Balaji
9. A.Balamurugan
10. D.Vignesh
11. B.Dasarathan

... Petitioners

Vs.

1. Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Finance (CMPC) Department,
Secretariat, Chennai – 600 009.
2. The Director of College Education,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to grant Selection Grade Scale of of Pay at Rs.9300-34800+GP Rs.4200 in the post of Lab Assistant to the petitioners, with effect from the



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respective dates of their attaining Selection Grade and disburse the arrears thereby with effect from 01.03.2011 or with effect from the respective dates of attaining the Selection Grade by the petitioners, whichever is later, to the petitioners herein within a time frame.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader [R1]

Mr.Surenderan,
Government Advocate [R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the respondents to grant Selection Grade Scale of Pay at Rs.9300-34800+GP Rs.4200 in the post of Lab Assistant to the petitioners with effect from the respective dates of their attaining Selection Grade and disburse the arrears thereby with effect from 01.03.2011 or with effect from the respective dates of attaining the Selection Grade by the petitioners, whichever is later within a time frame.



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2. On behalf of the respondents, a counter affidavit has been filed. In the counter affidavit at paragraph No.6, it is averred that the petitioners are attaining Selection Grade after 31.05.2009. Hence, as per the Government letter No.23802/CMPC/2-11-1, dated 23.05.2011, the petitioners are not eligible to fix their pay in the pay band of Rs.9300-34800 +GP Rs.4480 and they are only eligible to get two additional increments for attainment of Selection Grade / Special Grade on completion of 10/20 years of service respectively as per G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013.

3. The learned counsel for the petitioners would submit that, the issue raised in this writ petition is already covered by an order dated 18.06.2014 in W.P.No.25930 of 2013 and by an order dated 13.09.2023 in W.P.No.37840 of 2016 & etc., batch and sought for allow the writ petition.

4. On the other hand, Mr.L.S.M.Hasam Fizal, learned Additional Government Pleader appearing for the respondents placing reliance on the averments made in the counter affidavit by the Government and contends that the petitioners are not entitled for the relief sought for in



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this writ petition as they have not eligible for the same and requested to dismiss the writ petition.

5. Having heard both sides and upon careful perusal of the materials available on records, in my considered view that the issue raised in the present writ petition is already decided by this Court by its order dated 18.06.2014 in W.P.No.25930 of 2013, which was passed following the order dated 22.02.2013 made in W.P.Nos.133 to 144 of 2012 directing the respondents therein to grant Selection grade pay and Special grade pay of Rs.9300-34800+Grade pay of Rs.4200 and Rs.9300-34800+Grade pay of Rs.4400 respectively to the petitioners therein on completion of 10/20 years of service and to give him the arrears with effect from 01.03.2011 within a period of eight(8) weeks from the date of receipt of a copy of that order.

6. By following the said order, W.P.Nos.37840 of 2016 & etc., batch were disposed on 13.09.2023 directing the respondents therein to pay the revised scale of pay to the petitioners therein and directed to issue necessary proceedings within a period of sixteen weeks from the date of receipt of a copy of that order.



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7. On perusal of the entire materials available on record, it appears that the petitioners have jointly submitted a representation on 07.12.2017 to the respondents requesting to grant Selection grade scale of Rs.9300-34800+GP Rs.4200 in the post of Lab Assistant from the respective date of their attaining Selection Grade in the light of G.O.Ms.No.63, Finance (PC) Department dated 26.02.2011. As per the learned counsel for the petitioners, the said representation is pending with the respondents without any consideration.

8. Under these circumstances, as already the petitioners have submitted a representation on 07.12.2017 to the respondents and it is pending with the respondents, in our considered opinion it is appropriate to dispose of this writ petition, without going into the merits of the case with a direction to the respondents to consider and pass appropriate orders on the representation dated 07.12.2017 submitted by the petitioners taking into consideration the order dated 18.06.2014 in W.P.No.25930 of 2013 and an order dated 13.09.2023 in W.P.Nos.37840 of 2016 & etc., batch within the stipulated time to meet the ends of justice.



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9. Accordingly, this writ petition is disposed of with the

following directions:

1. The respondents shall examine the representation dated 07.12.2017 submitted by the petitioners and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.
2. While passing orders on the representation of the petitioners, the respondents shall take into consideration the order dated 18.06.2014 in W.P.No.25930 of 2013 and an order dated 13.09.2023 in W.P.Nos.37840 of 2016 & etc., batch.
3. While, the respondents are going to pass orders in favour of the petitioners in the light of the orders of this Court mentioned in direction No.2, the entire process of payment of arrears, if any, shall be completed within a period of two(2) months thereafter. No costs.

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Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No
mp



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WEB COPY To

1. The Principal Secretary to Government,
Finance (CMPC) Department,
Secretariat, Chennai – 600 009.
2. The Director of College Education,
Chennai – 600 006.



WEB COPY



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BATTU DEVANAND, J.

mp

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