



WEB COPY



W.P.No.26332 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26332 of 2021

Chandra Nageswararao

... Petitioner

/vs/

The Assistant Commissioner,
Food Civil Supplies & Consumer
Protection Department,
Ambattur Zone,
Chennai – 600 053.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent herein to consider the petitioner's representation dated 28.12.2020 sent for re-fixing his pay in accordance with law and within a stipulated period.

For Petitioner ... Mr.Marudhachalamurthy
for Mr.K.Govi Ganesan

For Respondents ... Mr.S.Arumugam
Govt. Advocate



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ORDER

The petitioner has filed this writ petition to direct the respondent to consider his representation dated 28.12.2020 sent for re-fixing his pay in accordance with law.

2. Mr.Marudhachalamurthy, the learned counsel for the petitioner, submitted that the petitioner who was appointed through employment exchange as Junior Assistant on consolidated pay on 09.07.2003 was later absorbed as Junior Assistant with effect from 22.10.2010. The petitioner claims that he is entitled to the revised pay revision by applying 1.86 multiplier and in this regard he has given representation to the respondent on 28.10.2020 and the same has not been considered so far.

3. Mr.S.Arumugam, the learned Government Advocate for the respondent, submitted that the revision of pay allowed as per G.O.Ms.No.340, Agriculture Department, dated 02.08.2010 is applicable only for those who got late appointment orders by the concerned



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departments and not for the petitioner. It is further submitted that the petitioner was selected through Tamil Nadu Public Service Commission during the month November, 2010 and hence the said Government Order is not applicable to the case of the petitioner.

4. The petitioner submits that he is entitled to get the benefits under G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009 and according to which the fixation of pay should be done in the revised pay structure for those who have appointed as fresh recruits on or after 01.01.2006 and before 01.06.2009. According to the petitioner, the selection list for the petitioner's appointment has been released before 01.06.2009 and hence he has to be construed as a person appointed before 01.06.2009 and the benefits of applying 1.86 multiplier should be available to him.

5. Since the petitioner's representation has not been considered so far and no order has been passed by referring to G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009, under which the petitioner claims



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his revised pay scale, I feel the respondent should be directed to consider the petitioner's representation and pass orders.

6. Accordingly, this Writ Petition is disposed with a direction to the respondent to consider the petitioner's representation dated 28.12.2020 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

15.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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R.N.MANJULA ,J.

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