



W.P.No.26725 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26725 of 2021

R.Sampath

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collectorate,
Kancheepuram District.

2.The District Treasury Officer,
The District Treasury,
O/o.The District Collectorate,
Kancheepuram District.

3.The Head Assistant (Salary Division)
O/o.The District Collectorate,
Kancheepuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to pay the fixation of pay and other benefits to the petitioner as per the order dated 06.08.2018 passed by the first respondent by passing orders on the representation dated 23.09.2021.

For Petitioner : Mr.C.Balasundar
For Respondents : Mr.S.Arumugam, GA



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to pay the fixation of pay and other benefits to the petitioner as per the order dated 06.08.2018 passed by the first respondent by passing orders on the representation dated 23.09.2021.

2. Heard Mr.C.Balasundar, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents.

3. The petitioner was working as a Record Clerk in the first respondent office. However on 01.09.2006, he was suspended on certain charges and a disciplinary action was also subsequently initiated by the Commissioner in Case No.26/2007. The petitioner was found guilty for the charges raised against him and he was terminated from service. He filed an appeal challenging the order of termination and during the pendency of the appeal, his suspension was revoked. Subsequently, the petitioner retired from service on 31.03.2013. However, he was not



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allowed to retire in view of the pending appeal. It is learnt that the appeal filed by the petitioner was also dismissed.

4. The period under which the petitioner was kept under suspension was also regularised as per the proceedings issued by the District Revenue Officer dated 16.06.2017. Thereafter, a proceedings was issued by the first respondent on 06.08.2018 by re-fixing the salary of the petitioner. The grievance of the petitioner is that as per the above proceedings, the arrears of re-fixed salary was not paid to him. The petitioner has given a representation in this regard on 23.09.2021. But the same was not considered so far.

5. Since the first respondent himself has admitted that the petitioner is entitled to get revised scale of pay on 01.01.2006 in his proceedings dated 06.08.2018, the respondents 2 and 3 are obliged to obey the said order.



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6. In view of the above stated reasons, this Writ Petition is disposed and the respondents 2 and 3 are directed to consider the representation of the petitioner dated 23.09.2021 and pass orders to pay the fixation of pay and other benefits to the petitioner as per the order dated 06.08.2018 passed by the first respondent, within a period of four weeks from the date of receipt of a copy of this order. No costs.

16.02.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

gsk



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To

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R.N.MANJULA, J.

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