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W.P.No.33287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.33287 of 2024

N.Muralidharan

... Petitioner

Versus

1. The State of Tamilnadu

Rep. By its Secretary to Government,
Municipal Administration & Water supply Department,
Secretariat, Namakkal Kaviner Maligai
Chennai – 600 009

2. The Director of Municipal Administration,
No.75, Santhome High Way, MRC Nagar,
Raja Annamalai Nagar,
Chennai 600 028

3. The Commissioner,
Erode City Municipal Corporation,
Erode

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to grant the scale of pay Rs.9300-34800 with Grade Pay of Rs.4200 with effect from 01.01.2006 with all monetary benefits including arrears of salary to the petitioner as per the Government Letter No.30588/Na.3/2019-7 dated 04.02.2021 issued by the 1st respondent



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and based on the petitioner's representations dated 17.02.2021 and 03.05.2024 within a reasonable time.

For Petitioner : Mr.P.Rajavel

For Respondents : Dr.T.Seenivasan for R1 & R2
Special Government Pleader

Mr.M.Rajamathivanan for R3

ORDER

This petition is filed for issuance of a Writ of Mandamus to direct the 3rd respondent to grant the scale of pay Rs.9300-34800 with Grade Pay of Rs.4200 with effect from 01.01.2006 with all monetary benefits including arrears of salary to the petitioner as per the Government Letter No.30588/Na.3/2019-7 dated 04.02.2021 issued by the 1st respondent and based on the petitioner's representations dated 17.02.2021 and 03.05.2024 within a reasonable time.

2. According to the petitioner, he was initially appointed as Street Light Maintenance (Helper) in Department of Engineering Section in the 3rd respondent corporation and the petitioner's service was also regularised from the date of initial appointment dated 04.06.1990. The



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petitioner was also elevated to selection grade from 04.06.2000 on completion of 10 years in the same post of street light maintenance (helper) without any promotion in the 3rd respondent Corporation. Further, as per G.O.No.338, Finance (Pay Cell) Department dated 26.08.2010, the scale of pay was fixed as Rs.5200-20200+2400/- by re-designating the post as Unskilled from (Class D) other Trade Posts and monetary benefits based on the said scale of pay was ordered to be given with effect from 01.08.2010. After making the payment of salary as per the scale of pay fixed based on the said Government Order nearly for 7 years, suddenly the 3rd respondent issued proceedings dated 22.06.2017 re-fixing the salary of Rs.4800-10000+1650 with effect from 01.01.2006 to 31.05.2017 and further ordering recovery of Rs.1,93,290/- being excess payment from 01.08.2010 till 31.05.2017 from monthly salary by 41 installments. As against which, the petitioner preferred W.P.No.17212 of 2017 and the same was allowed. The 2nd respondent issued circular in Na.Ka.No.19994/2017/F4 dated 10.02.2021 to all the corporations and municipalities regarding grouping of technical posts, in the Engineering and Water Supply Department, for the ordinary grade Scale of Pay attached to the post of Wireman Helper, which is no promotion post up to 24.06.2008, the selection Grade (i.e.



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With 10 years of service) pay has been fixed in the scale of pay Rs.9300-34800 with grade pay of 4200, which is no promotion post up to 24.06.2008 and the same was applicable to all employees in the post of wireman helper. Though representations dated 17.02.2021 and 03.05.2024 were sent to the respondents to rectify the petitioner's designation as Wireman Helper in the place of Street Light Helper, the same has not been considered, hence this petition.

3. On the other hand, the learned counsel appearing on behalf of the 3rd respondent would submit that already the matter was taken up by the letter of the 3rd respondent dated 03.06.2022. Thereafter, there has been series of exchange of communication / reply between the Government and 3rd respondent Corporation. Finally, a reminder has been sent to the Government to issue final directions in this regard vide letter bearing Na.Ka.No.C1/2304/2020 dated 13.12.2023, which is now pending with the Government.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Government will consider the same on merits and in accordance with law and pass final orders within



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such reasonable time.

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5. In view thereof, the Writ Petition is disposed of on the following terms:-

i. The Government shall consider the proposal as emanated from the 3rd respondent by the Letter dated 3.06.2022, for which a reminder letter was sent on 13.12.2023 and decide the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

ii. No costs.

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Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No
ssd

To

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Chennai – 600 009
2. The Director of Municipal Administration,
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Erode City Municipal Corporation,
Erode

V.BHAVANI SUBBAROYAN, J.

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