



W.P.(MD) No.13080 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13080 of 2021

and

W.M.P(MD)Nos.10122 and 10123 of 2021

P.Navamani

... Petitioner

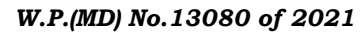
Vs.

The Sessions Judge,
Fast Track Mahila Court,
Srivilliputhur,
Virudhunagar District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent dated 03.09.2020 and the consequent order in No.1 dated 23.09.2020 and quash the same.

For Petitioner	:Mr.R.V.Rajkumar
For Respondent	:Mr.D.Venkatesh, Standing Counsel



[Order of the Court was made by D.KRISHNAKUMAR, J.]

2. The case of the petitioner is that she joined the services as a Senior Bailiff/Bailiff on 31.05.1993 and after getting various promotions, now she is working as Grade- I Bench Clerk under the respondent. The further case of the petitioner is that the Government issued G.O.Ms.No.664 Finance (PC) Department, dated 24.08.1992, with regard to granting of 5% Personal Pay to certain categories of employees including the Senior Bailiffs. As per the said G.O., the petitioner is also entitled to get Personal Pay. However, the respondent has passed the impugned orders, directing recovery of the amount Personal Pay paid to the petitioner and re-fixation of pay. Aggrieved by the said orders, the petitioner has filed this writ petition.



W.P.(MD) No.13080 of 2021

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the Division Bench of this Court in W.P(MD)No.8818 of 2008, dated 13.10.2009, has held that the Senior Bailiffs are also entitled to get the benefit of G.O.664, dated 24.08.1992. Thereafter, the Government had also accepted the said directions of this Court in W.P(MD)No.8818 of 2018 and granted the relief to the Senior Bailiffs working in the Judicial Department vide Letter No.34283/CMPC/2010, dated 10.09.2010 and therefore, the impugned orders passed by the respondent are not sustainable and liable to be set aside.

4. The learned Standing Counsel appearing for the respondent also cannot refute the submission of the learned counsel for the petitioner that the Government had complied with the directions of this Court in W.P(MD)No.8818 of 2008, dated 13.10.2009 and granted the benefit of G.O.664, to the Senior Bailiffs working in the Judicial Department.

5. Therefore, in the light of the above facts, we are of the view that the impugned orders are not sustainable and liable to be set aside.



W.P.(MD) No.13080 of 2021

WEB COPY

6. Accordingly, the impugned orders passed by the respondent dated 03.09.2020 and 23.09.2020 are set aside and the writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]

28.02.2024

Neutral Citation: Yes / No
Index : Yes / No

PM

To:

The Sessions Judge,
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W.P.(MD) No.13080 of 2021

D.KRISHNAKUMAR, J.
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PM

W.P.(MD)No.13080 of 2021

28.02.2024