



W.P.(MD) No.21458 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.21458 of 2021

P.Ganesan

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary
Social Welfare and Nutritious Meal
Programme Department
(now as Social Welfare and Women
Empowerment Department)
Secretariat, Fort St.George, Chennai-600 009

2.The Commissioner
Department of Social Defence
New No.300, Purasawalkam High Road
Kellys, Chennai-600 010

3.The Secretary
Finance (Pay Cell) Department
Fort St.George
Chennai-600 009

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 3rd respondents to forthwith enhance and disburse the arrears of monetary benefit of Grade Pay eligible for the petitioner as Rs.5100/- with effect from 22.07.2013 with 6% interest in the light of the recommendation of the 2nd respondent dated 22.08.2019.

For Petitioner : Mrs.A.Amala

For Respondents : Mr.Na.Ga.Nataraj, Govt.Advocate

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st and 3rd respondents to forthwith enhance and disburse the arrears of monetary benefit of Grade Pay eligible for the petitioner as Rs. 5,100/- with effect from 22.07.2013 with 6% interest in the light of the recommendation of the 2nd respondent dated 22.08.2019.

2. The petitioner herein was initially appointed as Junior Assistant by the TNPSC and he was promoted as Office Superintendent. While he was working as Office Superintendent by proceedings No.20926/A1/2008-1 dated



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16.12.2008, the petitioner was appointed as Probation Officer (Recruitment by probation). Thus, the petitioner claims that he was appointed by conversion from the post of Superintendent to the post of Probation Officer and he is entitled for revised scales of pay plus grade pay at the rate of Rs. 9,300-34,800/- with a grade pay of Rs.5,100/- in terms of G.O.Ms.No.244 Finance (Pay cell) department dated 22.07.2013 and thus made a claim before the 2nd respondent. The 2nd respondent after having examined the claim of the petitioner submitted a proposal to the 1st respondent through Letter No. 1039/A1/2017 dated 22.08.2019 recommending for extending the benefits under G.O.Ms.No.244 dated 22.07.2013. The operative portion of the said recommendation reads as under:

“...

Since, the post of Probation Officer is finding place over and above the post of Office Manager/Office Superintendent they could be covered one among the various posts covered under G.O.Ms.No. 234, Finance Department (Pay Cell) dated 01.06.2009 for the grade pay of 4900 and as per the GG.O.Ms.No.244,



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Finance Department (Pay Cell) dated 22.07.2013 the probation officers are subsequently eligible for the grade pay of 5100/- without any hindrance.

I therefore kindly request the Government to issue orders to enhance the Grade pay of Probation Officers based on G.O's. in 6th and 7th cited from Rs.4800 to Rs.5100 and further as it is respective 8th G.O cited to give effect in present scale of pay in Pay Matrix from pay level 18 I.e., Rs.36,900 to 16600 to pay level-20 Rs. 37700-119500.”

3. Thereafter, having not received any response from the 1st respondent, the petitioner claims to have submitted a representation dated 31.12.2019 and the same was also forwarded to the Government through Letter No.3552/PGRC/2019-1 dated 28.08.2020. As there is no response from the 1st respondent either on the proposal submitted by the 2nd respondent or on the representation dated 31.12.2019 submitted by the petitioner, the petitioner has approached this Court by filing the present Writ Petition.



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4. The 2nd respondent has filed a counter affidavit raising various contentions. The 2nd respondent is the one who submitted proposals recommending under the above said G.O in favour of the Probation Officers like the petitioner. Hence, it is not open to the 2nd respondent to contend otherwise than the stand taken by him in the proposal submitted before the 1st respondent. As the 2nd respondent has already sent proposal as early as in the month of August 2019, it is for the 1st respondent to take a call on the same and pass appropriate orders. Admittedly, the 1st respondent has not passed any orders on the proposal submitted by the 2nd respondent as on date. In such circumstances, this Court is of the considered view that it would be appropriate to dispose of the Writ Petition by directing the 1st respondent to take appropriate decision on the proposal submitted by the 2nd respondent.

5. Accordingly, the Writ Petition is disposed of directing the 1st respondent to consider the proposal submitted by the 2nd respondent dated 22.08.2019 together with a representation dated 31.12.219 submitted by the petitioner which is forwarded through Letter No.3552/PGRC/2019-1, dated 28.08.2020 and pass appropriate orders in accordance with law within a



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period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

19.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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