



W.P.No.4882 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.4882 of 2019

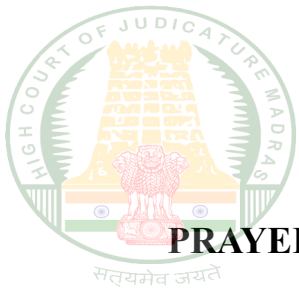
M.Sibgath
Retd. Road Inspector – Grade I,
S/o. Mohamed Ghouse
33/1, Rajeev Nagar,
Siva Complex Backside,
Bagalur Road,
Hosur – 635 109
Krishnagiri District.

... Petitioner

Vs.

1. The Chief Engineer,
Building and Maintenance,
HRS Campus,
76, Sardar Patel Rd.
Little Mount, Guindy,
Chennai, Tamil Nadu 600 025.
2. The Block Development Officer,
Thali Panchayat Union,
Krishnagiri District – 635 118.
3. The Commissioner,
Thalli Panchayat Union,
Krishnagiri District – 635 118.
4. The Principal Account General,
(Accounts & Entitlements) Tamil Nadu,
361, Annasalai,
Teynampet,
Chennai – 600 018.

... Respondents



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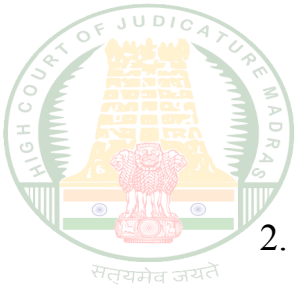
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India

for issuance of Writ of mandamus to direct the respondents to revise the scale of pay of the petitioner in the cadre of Road Inspector Grade-I as per G.O.Ms.210, Personnel and Administrative Reforms Department dated 11.03.1987 with all consequential benefits by re-fixing Selection grade, Special grade and pension in the post of Road Inspector Grade-I together with arrears of pay and pension.

For Petitioner	:	Mr.K.S.Viswanathan for Ms.T.Hemalatha
For R1 to R3	:	Mr.T.Chezhiyan Additional Govt. Pleader
For R4	:	Mr.V.Murali Standing Counsel

ORDER

The writ petition has been filed to direct the respondents to revise the scale of pay of the petitioner in the cadre of Road Inspector Grade-I as per G.O.Ms.210, Personnel and Administrative Reforms Department dated 11.03.1987 with all consequential benefits by re-fixing Selection grade, Special grade and pension in the post of Road Inspector Grade-I together with arrears of pay and pension.

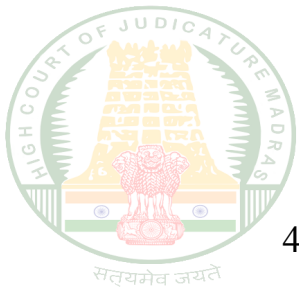


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2. The petitioner who was a Government employee has retired from service on 31.05.2009. As per G.O.Ms.No.210, Personnel and Administrative Reforms Department dated 11.03.1987 the service of the Selection Grade of the lower post may also be counted for the selection in the promoted post provided the Selection Grade scale of the lower post is identical to the ordinary grade of the higher post. The petitioner claims that the above concession was given to him in order to enable him to get a better pensionary benefit. The clarification in this regard has also been issued by the first respondent Chief Engineer on 11.12.2014. By making the above reference the second respondent has also sent a proposal on 20.08.2015 to the fourth respondent. As the fourth respondent raised certain clarifications and returned the proposal, it was resent by the third respondent by giving clarification and confirming the eligibility of the petitioner to get the benefits under G.O.Ms.No.210, Personnel and Administrative Reforms Department dated 11.03.1987. However the fourth respondent has returned the proposal once again stating that a Government order is necessary for admitting the revision.

3. Mr.Mr.K.S.Viswanathan, the learned counsel for the petitioner, submitted that similar benefits have been extended to other similarly placed persons but only in the case of the petitioner, a confusion is being made.

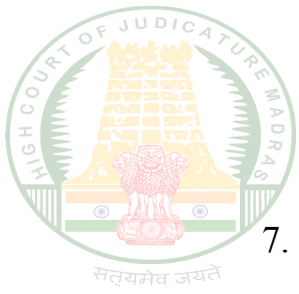


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4. It is seen from the counter of the third respondent and fourth respondent that on getting a clarification from the first respondent, a proposal is forwarded by the third respondent to the fourth respondent which is in accordance with the right procedure expected by the fourth respondent. In the order of the fourth respondent dated 13.12.2018 there is no reference about the clarifications offered by the second and third respondents through their letter dated 08.03.2018.

5. As the petitioner was made to run from pillar to post to get the benefit which has been positively clarified by the first respondent, it is for the respondents 1 to 3 to re-clarify the position to the fourth respondent. In such case it is appropriate to cite the instances of similar such persons for whom the benefit under the said Government Order is granted and that it is extendable to the petitioners also.

6. Whatever may be the case, the petitioner should know the reasons for which he is not entitled to get the benefit either from the fourth respondent or from the respondents 1 to 3. It is learnt that the petitioner has filed this writ petition without giving any representation to any of the respondents.



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7. In view of the above observation, the writ petition is disposed by

giving liberty to the petitioner to send a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the third respondent shall forward the same through to the fourth respondent through proper channel by getting necessary clarification from the concern if needed and on receipt of the same the fourth respondent shall pass a detailed order within a period of four weeks thereafter, as to either allowing the benefit or rejecting the benefit to the petitioner. Whatever order is going to be passed by the fourth respondent in this regard shall be communicated to the petitioner by the third respondent in order to enable him to know whether he is entitled for the benefits and for the reasons for taking any decisions in this regard. No costs.

13.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

1. The Chief Engineer,
Building and Maintenance,
HRS Campus,
76, Sardar Patel Rd/
Little Mount, Guindy,
Chennai, Tamil Nadu 600 025.
2. The Block Development Officer,
Thali Panchayat Union,
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