



W.P.No.9821 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9821 of 2019

M.Vijayalakshmi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St.George,
Chennai - 600 009.

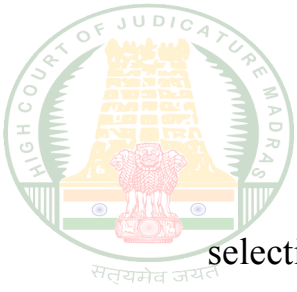
2.The Director General of Highways,
No.76, Sardar Patel Road,
Guindy, Chennai.

3.The Superintending Engineer,
Department of Highways,
Steel Plant Road,
Salem.

4.The Divisional Engineer,
Department of Highways,
Krishnagiri 635 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to award



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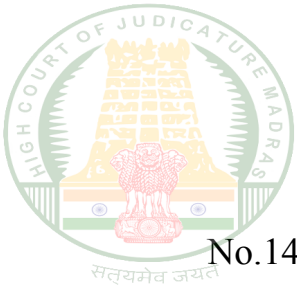
selection grade & special grade pay to the petitioner's husband in the post of Road Inspector Grade I by counting the period of service rendered by the petitioner's husband in the post of Road Inspector Grade II as per the order passed by the 2nd respondent in proceedings Memo No.14093/Nir4(3)/2014 dated 11.12.2014 and in the light of the order issued by the second respondent in proceedings Memo No.14093/Nir4(3)/2014 dated 11.06.2015 and consequentially refix the family pension of the petitioner with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This Writ Petition has been filed to direct the respondents to award selection grade & special grade pay to the petitioner's husband in the post of Road Inspector Grade I by counting the period of service rendered by the petitioner's husband in the post of Road Inspector Grade II as per the order passed by the 2nd respondent in proceedings Memo No.14093/Nir4(3)/2014 dated 11.12.2014 and in the light of the order issued by the second respondent in proceedings Memo

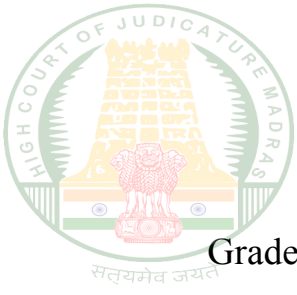


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No.14093/Nir4(3)/2014 dated 11.06.2015 and consequentially refix the family pension of the petitioner with all consequential service and monetary benefits.

2. Heard Mr.R.Prem Narayan, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The deceased husband of the petitioner was initially appointed as Road Inspector on 20.07.1965 and his services were regularised in the said post with effect from 24.11.1970. Thereafter, the post of Road Inspector was categorised as Road Inspector Grade - I and Grade - II. Under the flexible complimenting scheme on completion of 10 years of service after provincialisation, the petitioner's husband was promoted as Road Inspector Grade - I with effect from 24.11.1980. The petitioner's husband was granted with selection grade in the post of Road Inspector Grade - I with effect from 24.11.1990 and on further completion of 10 years of service, he was redesignated as Special Grade Road Inspector



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Grade - I on 24.11.2000 and he retired from service as on 30.11.2002.

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4. The learned counsel for the petitioner submitted that as per the Government Order issued in G.O.Ms.No.210, P & AR Department dated 11.03.1987, the selection grade in the post of Road Inspector Grade - I should be granted by counting the service rendered in the selection grade Road Inspector Grade - II. As the said benefit was not given, the petitioner has given a representation to the respondents in this regard. Since no order has been passed in the said representation, the petitioner is before this Court.

5. The simple claim made by the petitioner is that the scale of pay for selection grade for the post of Road Inspector Grade - II is equal to the starting pay of the Road Inspector Grade - I. G.O.Ms.No.210 dated 11.03.1987 would stipulate that for granting selection grade in the post of Road Inspector Grade - I, the service rendered in the cadre of selection grade Road Inspector Grade - II should also be included.

6. As the Government Order is specific in this regard and the



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communication has also been issued to all the Divisional Engineers by the Chief Engineer Highways Department on 11.12.2014 by stating the same, the respondents ought to have considered the representation of the petitioner. As the petitioner's representation did not evoke any response from the respondents so far and the order passed, if any, by the respondents on the representation of the petitioner would have an impact on the revision of pension payable to the deceased husband and the family pension of the petitioner, I feel it is appropriate to issue a suitable direction to the second respondent to consider the representation of the petitioner and pass appropriate orders at the earliest.

7. In view of the above stated reasons, this Writ Petition is allowed. The second respondent is directed to consider the representation of the petitioner dated 22.08.2018 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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