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WP No. 9117 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

W.P. No. 9117 of 2024

C.B. Ciril
Psychologist,
Government Institute for Mentally
Retarded, T.B. Sanatorium,
Tambaram, Chennai – 600 047.

Petitioner(s)

Vs

1. The Commissioner,
Welfare of the Differently Abled Persons,
Kamarajar Salai, Chennai – 600 005.

2. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai – 600 009.

3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai – 600 003.

Respondent(s)

**PRAYER**

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the proposal of the 1st respondent sent to the 2nd respondent in Roc.No.9628/Admn/2017, dated 06.08.2021 and 09.02.2023 for sanction the Scale of Pay of Rs.15600 – 39100 with Grade Pay of Rs.5400 to the petitioner from the date of appointment namely, 18.12.2018 till date in accordance with the Notification made by the Tamil Nadu Public Service Commission, dated 15.11.2016, within a reasonable period as may be fixed by this Court.

For Petitioner(s): Mr. T. Ranganathan

For Respondent(s): Mr. T.M. Rajangam for R1 and R2

Mr. R. Bharanidharan for R3

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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the proposal of the 1st respondent sent to the 2nd respondent in Roc.No.9628/Admn/2017, dated 06.08.2021 and 09.02.2023 to sanction the Scale of Pay of Rs.15600 – 39100



with Grade Pay of Rs.5400 to the petitioner from the date of appointment namely, 18.12.2018 till date in accordance with the Notification made by the Tamil Nadu Public Service Commission, dated 15.11.2016, within a reasonable period as may be fixed by this Court.

2. The learned counsel for the petitioner submits that the petitioner was initially appointed through the Tamil Nadu Public Service Commission as Psychologist in the Tamil Nadu General Service in the scale of pay of Rs.15600 – 39100 with Grade Pay of Rs.5400 as per the Notification dated 15.11.2016 and assumed charge on 18.12.2018. However, the Department has not paid salary to the petitioner for the first 10 months because of the dispute in Scale of Pay attached to the petitioner's post. The Commissioner of Welfare of the Differently Abled Persons, has sent a letter to the Treasury Officer on 05.03.2019 stating that the scale of pay of Rs.15600 – 39100 with Grade Pay of Rs.5400 sanctioned to the petitioner is contrary to the orders issued in G.O.(Ms) No.41, Welfare of Differently Abled Persons Department, dated 04.12.2018. Hence, the petitioner made several representation to the 1st and 2nd respondent in



this regard. Thereafter, the 1st respondent has also sent a letter on 06.08.2021 to the 2nd respondent setting out all the details of the petitioner's case. However, the 2nd respondent has not passed an order till date.

3. He further submits that even though the 1st respondent had accepted the request of the petitioner, considering the fact that the post of Psychologist in all other Departments in the State of Tamil Nadu are carrying the scale of pay of Rs.15600 – 39100 with Grade Pay of Rs.5400 as per G.O.(Ms) No.41, Welfare of Differently Abled Persons Department, dated 04.12.2018, the 2nd respondent has not implemented the said scale of pay to the petitioner. Hence, the petitioner has been constrained to file the present Writ Petition.



4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the 2nd respondent/Secretary to Government, Welfare of the Differently Abled Persons Department, to consider the proposal of the 1st respondent dated 06.08.2021 and 09.02.2023 and pass an appropriate order, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Kamarajar Salai, Chennai – 600 005.
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Secretariat, Chennai – 600 009.
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M. DHANDAPANI, J.

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