



W.P.(MD)No.2123 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.2123 of 2022

V.Mahendra Varma,
S/o.Thiru.C.Vellaichamy,
Door No.3/296A, M.Ramalingapuram,
Moolipatti Post - 626 005,
Virudhunagar Taluk & District.

Petitioner

Vs

1.The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Treasuries and Accounts,
Integrated Finance Complex,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent ie., the Additional Chief Secretary to Government, Finance Department, Chennai to pass appropriate orders on the petitioner's appeal dated 13.02.2015 regarding refixation of pay in the cadre of Accountant counting the pay fixation in the cadre of Junior Assistant within a specified time frame that may be fixed by this Court.



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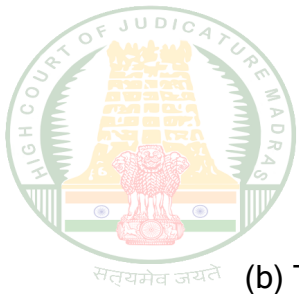
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For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent ie., the Additional Chief Secretary to Government, Finance Department, Chennai to pass appropriate orders on the petitioner's appeal dated 13.02.2015 regarding re-fixation of pay in the cadre of Accountant counting the pay fixation in the cadre of Junior Assistant.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) Initially, the petitioner was appointed as a Junior Assistant in the Social Welfare Department, where he served from 04.09.2000 to 20.01.2010. Thereafter, the petitioner was reassigned as an Accountant in the Treasuries and Accounts Department after successfully participating in the TNPSC Group-II Examination. He assumed duty as an Accountant on 21.01.2010.

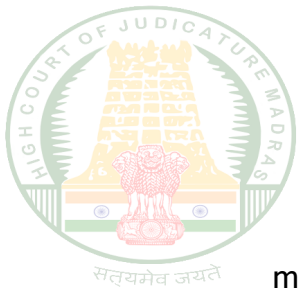


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(b) The Petitioner's grievance is that his earlier service from 04.09.2000 to 20.01.2010 was considered for pensionary benefits, but not for pay refixation in the Accountant cadre in the Treasuries and Accounts Department. The petitioner submitted a representation to the 2nd Respondent on 02.05.2013. The 2nd Respondent directed the Treasury Officer, Virudhunagar District, to take action on the Petitioner's representation. However, no action was taken, prompting the Petitioner to file an appeal to the 1st Respondent/Additional Chief Secretary to Government, Finance Department, Chennai on 13.02.2015. The appeal was forwarded to the Director of Treasuries and Accounts, Chennai, vide order dated 30.10.2015. Since no order has been passed on the appeal till date, the petitioner has approached this Court by filing the present writ petition, seeking relief.

3. Heard Mr.S.Visvalingam, learned counsel for the Petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader for the Respondents.
4. Mr.S.R.A.Ramachandran, learned Additional Government Pleader for the Respondents, submits that the the Petitioner is not entitled to the relief sought in the present Writ Petition. Further, he submits that the Petitioner

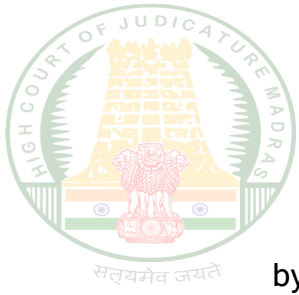


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may file a fresh representation/appeal before the 1st Respondent, outlining his grievances. The 1st Respondent would then consider and decide on the matter in accordance with the law within the time frame fixed by this Court.

5. Mr.S.Visvalingam, the learned counsel for the Petitioner, agreed to the submissions made by the learned Additional Government Pleader for the Respondents and submits that the Petitioner is willing to file a fresh representation/appeal before the 1st Respondent, which may be directed to be disposed of within a specified time frame.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 1st Respondent may be directed to decide the representation/appeal of the Petitioner in accordance with law.
7. Accordingly, the petitioner is directed to file a fresh representation/appeal before the 1st Respondent detailing his claim and grievances within a period of four weeks from today. If any such representation/appeal is filed



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by the Petitioner before the 1st Respondent as per the time stipulated by this Court, the 1st Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation/appeal. The 1st Respondent shall communicate the order/decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.

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

10.03.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr



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To:

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- 2.The Commissioner of Treasuries and Accounts,
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SHAMIM AHMED, J.

Nsr

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