



W.P.(MD)No.4435 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.4435 of 2019

K.Subramanian

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road,
Kilpauk, Chennai – 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
9F, Saint Thomas Road,
Maharaja Nagar,
Tirunelveli – 627 011.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a ***Writ of Certiorarified Mandamus***, calling for the records of the 2nd respondent herein in his proceedings in Na.Ka.No.E1/4494/16 dated 30.05.2018 and quash the same and consequently directing the Respondents herein to revise the Scale of Pay of the Petitioner as Rs.9600-34800 in the Cadre of Deputy Manager in the 2nd Respondent Corporation with effect from 01.01.2006 based on VI Pay Commission recommendations and pay the increased salary arrears from 01.01.2007 to 30.06.2007 pursuant to his representation dated 29.12.2017 subsequent reminder 07.05.2018.



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For Petitioner : M/s.D.Srinivasaragavan

For Respondents : Mr.K.R.Badrus Zaman

ORDER

Under assail is the proceedings, dated 30.05.2018 in Na.Ka.No.E1/4494/16, passed by the 2nd respondent and also seeking consequential direction to the respondents to revise the Scale of Pay of the Petitioner as Rs.9600-34800 in the Cadre of Deputy Manager in the 2nd Respondent Corporation, with effect from 01.01.2006.

2. Heard M/s.D.Srinivasaragavan, the Learned Counsel appearing on behalf of the Petitioner and Mr.K.R.Badrus Zaman, the Learned Counsel appearing on behalf of the Respondent.

3. It is the case of Writ petitioner is that at the time of retirement he was working as Deputy Manager. He retired from service on 30.06.2007. As per VI Pay Commission Recommendations, the petitioner is entitled to get revised pay with effect from 01.01.2006 from the Scale of Pay i.e., Rs.6500-200-10500 to the new Scale of Pay of Rs. 15600-39100. But, the respondents have not revised the petitioner's Scale of Pay as per the said VI Pay Commission Recommendations.



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Therefore, he sent an application, dated 07.11.2017 to the 1st respondent under Right Information Act. The 1st respondent through his communication, dated 27.11.2017 furnished the details of Scale of Pay. Therefore, the petitioner sent another representation to the 1st respondent, dated 29.12.2017. Since the 1st respondent has not passed any orders, the Writ petitioner has preferred an appeal under Right Information Act, dated 28.02.2018. The request of the Writ petitioner was not considered by the respondents and the same was communicated to the Writ petitioner, dated 16.03.2018. Further more, he sent another representation, dated 07.05.2018 to consider his request. The 2nd respondent has issued the impugned reply to the Writ petitioner, dated 30.05.2018. Challenging the same, the present Writ petition came to be instituted.

4. The Learned Counsel appearing on behalf of the Writ petitioner would submit that as per VI Pay Commission Recommendations, the Writ petitioner is entitled to get revised pay with effect from 01.01.2006. Though he had sent representation to the 1st respondent, dated 29.12.2017 so far no order has been passed.



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5. Per contra, the Learned Counsel appearing on behalf of the respondents would submit that the Writ petitioner is not eligible for VI Pay Commission Recommendations. As per circular dated 20.10.2010 revised Scale of Pay can be fixed only from 12.12.2007. Since the petitioner was retired from service on 30.06.2007, he is not entitled for the same.

6. I have considered the submissions made on either side and perused the material documents available on record. It is seen from the records that the representation submitted by the Writ petitioner, dated 29.12.2017 is still pending under consideration of the respondents. As the petitioner retired from service on 30.06.2007. The order impugned challenged in the Writ petition is only the information furnished by the respondents and there is no order in detail. Therefore, there is no cause of action arises to file this instant Writ petition. However, considering the facts and circumstances of the present case, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of the Writ petitioner.



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7. Accordingly, this Court directs the respondents to consider the representation submitted by the petitioner, dated 29.12.2017 if pending and pass an orders on merits, in accordance with law, within a period of 12 weeks if there is no legal impediment from the date of receipt of a copy of this Order.

8. With these observations, this Writ petition is disposed of.

No Costs.

NCC : Yes / No
Index : Yes / No

12.02.2025

KSA

To

1. The Managing Director,
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12, Thambusamy Road,
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2. The Regional Manager,
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9F, Saint Thomas Road,
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M.JOTHIRAMAN, J.

KSA

Order made in
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