

(2011) 08 MAD CK 0280

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No"s. 5108 to 5118 of 2006, 6466 to 6469 of 2006 and
W.P.M.P. (MD) No. 1 of 2006

N. Gunasekaran and Others

APPELLANT

Vs

The Secretary to Government
Finance (Pay Cell) Department, (V
Central Pay Commission)
Secretariat, The Chief Engineer,
Agricultural Engineering
Department and Assistant
Executive Engineer, Agricultural
Engineering Department,
Government Tractor Workshop

RESPONDENT

Date of Decision: Aug. 2, 2011

Hon'ble Judges: Vinod K. Sharma, J

Bench: Single Bench

Advocate: M.S. Suresh Kumar, for the Appellant; S. Bharathi, Government Advocate, for
the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Vinod K. Sharma, J.

The order shall be disposed of W.P.(MD)Nos. 5108 to 5118 and 6466 to 6499 of 2006,
as common question of law and facts are involved. For the sake of brevity, the facts
are being taken from WP(MD) No. 5108 of 2006.

2. The prayer made in all the writ petitions, is for issuance of the writ, in the nature
of Mandamus, directing the Respondents to consider and dispose of the
representations filed by the Petitioners, for release of scale of pay of Rs. 4000-6000
in terms of G.O.Ms. 446, dated 31.08.1998, to the Petitioners, with effect from
1.09.1988 with all consequential benefits.

3. The case of the Petitioners, in all the writ petitions, is that they joined the post of Fitter Helper and were subsequently, promoted to the post of Fitter. The Government, vide G.O.Ms. No. 723, dated 25.08.1994, decided to merge the post of Fitter Helper with the post of Fitter, and as per the terms of the scheme, the employees, having the qualification of SSLC with I.T.I Certificate, were to be placed in the pay scale of Rs. 4000-6000.
4. The case of the Petitioners, in all the writ petitions, is that in-spite of issuance of G.O., the Respondents have not released the scale due to the Petitioners.
5. Before approaching this Court, all the Petitioners filed representations with the Respondents for grant of pay scale of Rs. 4000-6000, especially in view of the fact that similarly situated persons, in other departments covered under this G.O. has been granted the said pay scale.
6. It is the case of the Petitioners that the representation placed by the Petitioners, has not been decided so far.
7. Therefore, without going into the merits of the case at this stage, these writ petitions are disposed of, with a direction to the Respondent No. 2, to dispose of the representations filed by the Petitioners, by passing detailed speaking order, after meeting out, all the contentions raised in the representations.
8. In case, the Petitioners are held entitled to the benefits claimed, it be released to them, within four months of passing of the order, with all consequential benefits.
9. Needless to say that if the claim is not accepted, the Respondent No. 2, shall pass a detailed speaking order, giving reasons for denial of benefits to the Petitioners.
10. Consequently, connected Miscellaneous Petition is closed. No. costs.