

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30749 of 2015

and

M.P.No.1 of 2015

S.A.Mani

... Petitioner

Vs.

District Collector,
Kancheepuram District,
Kancheepuram.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent herein to forthwith pay the difference in salary due to the petitioner herein for the period from 17.4.1985 to 31.12.2005 based on the notional pay fixed on 16.5.2011 by the respondent herein with due interest in accordance with law.

For Petitioner : Mr.V.Rajasekaran

For Respondents : Mr.V.Subbiah,

Special Government Pleader

ORDER

With consent, the writ petition is taken up for final dismissal.

2. The petitioner joined as Village Level Worker on 1.6.1965 in the Agriculture Department and subsequently the Government took a policy decision to absorb 415 Village Level Workers working in the said Department with their post as Gramasevak Grade II in the Rural Development Department and accordingly, the petitioner was absorbed as Gramasevak Grade II on 1.12.1972 in the abovesaid Department and the said post was, subsequently, re-designated as Rural Welfare Officer Grade II. The petitioner, subsequently got that promotion and worked as Rural Welfare Officer Grade I and further promotion as as Block Development Officer and retired from service on 31.12.2005, on attaining the age of superannuation. The petitioner would further

submit that in the light of the common judgment dated 19.4.2005 in W.P.Nos.19960 to 19962 of 1998, etc., as well as the order passed by the Tamil Nadu Administrative Tribunal in O.A.No.540 of 1989 and batch, revision of seniority of the Village Level Gramasevak Grade II in the Rural Department, by taking into consideration the service rendered by him in the Agricultural Department was ordered and accordingly, it was done and the petitioner's pay was notionally fixed on 16.5.2011 and further notional fixation was granted in respect of pay of the petitioner in the post of Assistant Director as on 1.10.2015. The grievance expressed by the petitioner is that on account of notional fixation, he is entitled to difference in pay for the period actually he worked in the respective posts and since it has not been done, he has submitted a representation on 1.6.2015 to the respondent and since no order has been passed, he came forward to file this writ petition.

3. Heard the learned counsel appearing for the appellants and Mr.V.Subbiah, learned Special Government Pleader.

4. Though the petitioner has prayed for a larger relief, this court, in the light of the above facts and circumstances, without going into the merits of the case, directs the respondent to take into consideration his his own proceedings dated 16.5.2011 made in Na.Ka.No.10700/2009/Pa.A.1 and pass orders within a period of eight weeks from the date of receipt of copy of this order and communicate the decision to the petitioner. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

ssk.
To

Sub Assistant Registrar

The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.V.R.Rajasekaran, Advocate, S.R.No.53352

W.P.No.30749 of 2015

ALA(CO)
CA(13/10/2015)