

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.09.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30636 of 2015

Tamil Nadu Pollution Control Board

Employees Association,

19, Pongi Madalayan Street,

Nanganallur,

Chennai-600 061

rep.by its General Secretary,

L.Asha Kumari,

W/o.S.Subramanian

.... Petitioner

vs.

1. The State of Tamil Nadu,
rep.by its Secretary to Government,
Environmental and Forest Department,
Secretariat, Fort St.George,
Chennai-600 009

2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy,
Chennai-600 032

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pass appropriate orders for revision of scale of pay for the Scientific Service Posts in Tamil Nadu Pollution Control Board, particularly to the post of Chief Scientific Officer and other higher posts, on par with equivalent post in other State Government Departments like Public Works Department etc., from V Pay Commissioner Revision on scale of pay, with all consequential and other attendant benefits including arrears of salary, by considering the representation submitted by the petitioner association dated 15.7.2015.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Inbanathan,G.A for R1
Mr.H.Yasmin Ali for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner association would claim that the posts of Environmental Scientists, Deputy Chief Scientific Officer (first level promotion) and the post of Chief Scientific Officer (second level promotion) in the services of Tamil Nadu Pollution Control Board are governed by Tamil Nadu Pollution Control Board Scientific Services Regulations and similarly, the post of Assistant Geologist etc., (feeder post), Assistant Director, Geologist etc., (first level promotion post) and Deputy Director (Geology) (second level promotion post) are coming under the control of the Public Works Department. It is further stated by the petitioner that the scale of pay for the feeder post and first level post, both in Tamil Nadu Pollution Control Board and the Public Works Department are carrying equal scale of pay, whereas, when it comes to 2nd level promotion post, namely, the post of Chief Scientific Officer, the scale of pay is Rs.2500-4200, which is lesser than the scale of pay to the post of Deputy Director (Geology) in Public Works Department, which is fixed at Rs.3000-4500. It is also the claim of the petitioner association that the post of Chief Scientific Officer is having higher qualification, assigned with higher duties and responsibilities. On an earlier occasion, the petitioner association has approached this Court by filing W.P.No.11712 of 1996 praying for issuance of a writ of certiorarified mandamus to quash the proceedings in Board Proceedings Number B.P.Ms.No.34, dated 10.10.1994 and direct the first respondent to make a proper study on the issue of equation of posts in accordance with the earlier judgment of this Court in W.P.No.15332 of 1989 in so far as the post of Chief Scientific Officer, Deputy Chief Scientific Officer, Junior Scientific Officer, Deputy Chief Scientific Officer, Junior Scientist and Meteorologist and the writ petition was disposed of on 28.1.2004, directing the first respondent to consider the claim of the petitioner association in the light of the principles enunciated in (1998) 4 SCC 598 (S.P.Shivprasad Pipal vs. Union of India) and inspite of the same, no proper study has been done. In this regard a detailed representation dated 15.7.2015 was submitted to the second respondent, followed by a reminder dated 7.9.2015. Since no orders have been passed, the petitioner association came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.H.Yasmin, learned counsel, who accepts notice on behalf of the second respondent.

4. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to

consider and dispose of the petitioner's representation dated 15.07.2015 and the reminder dated 7.9.2015 on merits and in accordance with law and pass orders within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner association.

5. The writ petition is disposed of accordingly. No costs.

msk

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Environmental and Forest Department,
Secretariat, Fort St.George,
Chennai-600 009

2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy,
Chennai-600 032

+ 1 cc to Mr.H.Yasmeen Ali, Advocate SR 52813

+ 1 cc to Govt.Pleader(F) SR 52804

kji(co)
prk13/10

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