

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.29717 to 29740 of 2016

1.R.Anbu ... Petitioner in W.P.No.29717/2016
2.S.Balasundaram ... Petitioner in W.P.No.29718/2016
3.D.Palani ... Petitioner in W.P.No.29719/2016
4.A.Rajendran ... Petitioner in W.P.No.29720/2016
5.S.Ravichandran ... Petitioner in W.P.No.29721/2016
6.V.Rajendran ... Petitioner in W.P.No.29722/2016
7.Ponthagiri Manju ... Petitioner in W.P.No.29723/2016
8.A.Thomas ... Petitioner in W.P.No.29724/2016
9.D.Jayakumar ... Petitioner in W.P.No.29725/2016
10.Indirani ... Petitioner in W.P.No.29726/2016
11.A.K.Kaliyaperumal ... Petitioner in W.P.No.29727/2016
12.M.Karunanithi ... Petitioner in W.P.No.29728/2016
13.S.Ashok Kumar ... Petitioner in W.P.No.29729/2016
14.R.Mohanan ... Petitioner in W.P.No.29730/2016
15.S.Mariyammal ... Petitioner in W.P.No.29731/2016
16.G.S.Kannan ... Petitioner in W.P.No.29732/2016
17.M.Elumalai ... Petitioner in W.P.No.29733/2016
18.J.Xavier ... Petitioner in W.P.No.29734/2016
19.A.K.Basheer Aahamed ... Petitioner in W.P.No.29735/2016
20.G.Krishnamoorthy ... Petitioner in W.P.No.29736/2016
21.P.Suresh ... Petitioner in W.P.No.29737/2016
22.J.Bakthavachalam ... Petitioner in W.P.No.29738/2016
23.V.Anandan ... Petitioner in W.P.No.29739/2016
24.U.Antony Wilson ... Petitioner in W.P.No.29740/2016

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Department of Tourism,
Culture and Religious Endowment,
Fort St. George,
Chennai-600 001.

2.The Commissioner,
Tamil Valarchi Valagam,
Directorate of Art and Culture,
II Floor, Halls Road,
Egmore, Chennai-600 008.

3.The Principal,
Government College of Fine arts,
Chennai-600 003.

... Respondents in all the
above WPs.

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 20.06.2016 and further, to direct the respondents to release the monetary benefits of revised scale of pay as per G.O.Ms.No.234, dated 01.06.2009 and G.O.Ms.No.338, dated 26.08.2010.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.M.Kaviveerappan

For respondents : Mr.S.Gunasekaran, AGP

COMMON ORDER

These writ petitions have been filed by the petitioners, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representations of the petitioners dated 20.06.2016 and further, to direct the respondents to release the monetary benefits of revised scale of pay as per G.O.Ms.No.234, dated 01.06.2009 and G.O.Ms.No.338, dated 26.08.2010.

2.The petitioners herein joined the service of the Government College of Fine Arts, Chennai, on various dates. Some of the petitioners herein joined as an un-skilled employee and subsequently, promoted to the posts, which come under Technical category. Some of the petitioners joined directly in the posts, which come under the Technical category.

3.It is stated by the petitioners that the Government of Tamil Nadu has constituted an Official Committee to examine and make necessary recommendations for the revision of scale of pay and allowances of State Government Employees and Teachers including employees of local bodies based on the recommendations of the Sixth Pay Commission. The said Committee has submitted its report to the Government of Tamil Nadu on 27.05.2009. On the basis of the recommendations of the said Committee, the Government of Tamil Nadu has issued a G.O.Ms.No.234, Finance (Pay Cell) dated 01.06.2009, revising the pay scale of the employees of the State Government. The Government of Tamil Nadu has accepted and directed that the scale of pay of the Technical Categories (Trade Posts) in all Government Departments/Local Bodies shall be uniformly revised

and re-designated their posts as follows

Sl.No.	Name of the Posts	Existing Scale of pay + Grade pay	Revised Scale of pay + Grade pay
1.	Supervisory posts in the pre-Revised Scale of pay of Rs.4500-7000, re-designated as Supervisor	5200-20200+2800	9300-34800+4200
2.	Special Grade Trade Posts in the Pre-revised scale of pay Rs.4300-6000, Re-designated as Special Artisan	5200-20200+2400	5200-20200+2600
3.	Grade - I (Promotion Posts) in the Pre-Revised Scale of pay Rs.4000-6000 Re-designated as Assistant Grade -I	5200-20200+1900	5200-20200+2000
4.	Grade II (Entry Level Posts) in the Pre-revised scale of Pay Rs.3050-4590 Re-designated as Skilled Assistant Grade II	5200-20200+1900	5200-20200+2000
5.	Other Trade Posts in the Pre-revised Scales of pay of Rs.2750-4400, Rs.2650-4000 Rs.2610-3540 Rs.2550-3200	5200-20200+2800 4800-10000+1650 4800-10000+1400 4800-10000+1300	5200-20200+1900

The benefit of the said G.O.Ms.No.234 has not been given to the employees of the Government College of Fine Arts, Chennai and Kumbakonam. Their Union namely Tamil Nadu Government Fine Arts College Technical Officers Association made several representations to the Government of Tamil Nadu and the Commissioner, Tamil Valarchi Thurai, the Government has constituted a One Man Committee to examine anomalies, if any, on the implementation of the recommendations of the official committee. Their Association also has represented before the One Man Commission to revise the scale of pay Grade I and Grade II Trade Posts, Special Trade Posts and Supervisory Posts and Supervisory Trade Posts etc. On the basis of recommendations of the One Man Committee, the Government of Tamil Nadu, Finance (Pay Cell) Department has issued

G.O.Ms.No.338, extending the benefits of G.O.Ms.No.234 to the employees of Technical Categories (Trade Posts). As per the G.O.Ms.No.234, the revised pay scale has been fixed with effect from 01.01.2006 and the monetary benefits have been given from 01.01.2007. Further, on the basis of G.O.Ms.No.338, the skill and un-skilled employees of Fine Arts College have been paid with the monetary benefits and revised scale of pay with effect from 01.08.2010 as per the Proceedings of the Principal of Fine Arts College, bearing Ref.No.2251/AA1/2011, dated 05.11.2012. Now, suddenly, the Principal Secretary, Art and Cultural Department, vide his letter bearing Ref.No.1603/AA1/2012, dated 14.05.2013, directed that the G.O.Ms.No.338, dated 26.06.2010 will not apply to the Technical Category employees of the Fine Arts College and the revised scale of pay given by the aforesaid Government Order was set aside. Further, the scale of pay was revised with effect from November, 2014 for the Technical Employees of Fine Arts College and the said revised scale of pay was also temporarily withheld for the reason that the employees already paid arrears with effect from 2006. According to the petitioners, the Technical Employees of the Fine Arts College also come under the State Government; however the salary and other monetary benefits have not been given on par with the State Government Employees. Thus, the petitioners suffered great economic hardship. Hence, they made representations on 20.06.2016 to the respondents to direct the concerned authorities to release the monetary benefits of the revised scale of pay as per the aforesaid G.O.Ms.Nos.234 & 338. Since their representations were not considered by the respondents, the petitioners have come forward with the present writ petitions.

4. Heard the submissions made by the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, without expressing any opinion on the merits of the claim made by the petitioners in the present writ petitions, this Court directs the 2nd respondent to consider the representations of the petitioners dated 20.06.2016, in the light of the Government Orders in G.O.Ms.No.234, dated 01.06.2009 and G.O.Ms.No.338, dated 26.08.2010, and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Department of Tourism,
Culture and Religious Endowment,
Fort St. George, Chennai-600 001.

2.The Commissioner,
Tamil Valarchi Valagam,
Directorate of Art and Culture,
II Floor, Halls Road,
Egmore, Chennai-600 008.

3.The Principal,
Government College of Fine arts,
Chennai-600 003.

+24cc to Mr.M.Kaviveerappan, Advocate Sr.No.53243 to 53256

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co(ssk)
cp 04/11/2016