

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41079 of 2016

A.Ayyasamy

... Petitioner

Vs

Tamilnadu Pollution Control Board,
rep. by its Member Secretary,
No.76, Mount Road, Guindy,
Chennai-32.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondent to fix the pay of the petitioner in the Selection Grade Scale of Pay of Rs.9300-34800 + G.P 4200/- in the Post of Lab Assistant from 28.6.2009 FN. in modification of the order in Pro. No.TNPCB/ Per/P7/ 07837/2014 dated 17.3.2014.

For Petitioner : Mr.M.Ravi

For Respondent : Mrs.Rita Chandrasekar

सत्यमेव जयते

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to fix his pay in the Selection Grade Scale of Pay of Rs.9300-34800 + G.P 4200/- in the Post of Lab Assistant from 28.6.2009 FN. in modification of the order in Pro. No.TNPCB/ Per/P7/ 07837/2014 dated 17.3.2014.

3. It is the case of the petitioner that initially he was appointed as Lab Assistant through the District Employment Exchange on 11.6.1999 and vide proceedings dated 11.6.1999, he was posted to District Environmental Laboratory, Tiruppur. He joined duty in the said post on 28.6.1999 and the said post was regularized from 28.6.1999. Thereafter, on completion of ten years of service, his pay was fixed at Rs.9770/- in the scale of pay of Rs.5200-20200 + Grade pay of Rs.1900/- and thereafter, his pay in the selection grade was re-fixed in accordance with G.O.Ms.No.237, Finance (PC) Department dated 22.7.2013 at Rs.10670/- in the scale of pay of Rs.5200-20200 + Grade pay of Rs.2400/- with effect from 28.6.2009. Now, the grievance of the petitioner is that as per the proceedings dated 12.4.2012, his pay in the selection grade has been fixed in the scale of pay of Rs.5200-20200 + Grade pay of Rs.1900/- instead of Rs.9300-34800 + G.P.Rs.4200/-. In this regard, he sent a representation dated 20.8.2016 to the respondents. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the similar issue came up before this Court in W.P.No.25931 of 2013 (M.Baskaran v. State of TN) and this Court, by order dated 1.7.2014, allowed the said writ petition granting selection grade pay of Rs.9300-34800 + G.P.Rs.4200/- and special grade scale of pay of Rs.9300-34800 + G.P.Rs.4400/-. Since the petitioner is also similarly placed, he is also entitled for the same benefits.

5. I have also heard the learned counsel, who has taken notice on behalf of the respondent.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a copy of the representation dated 20.8.2016 along with a copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the said representation seeking re-fixation of his selection grade scale of pay and pass appropriate orders, on merits and in accordance with law and also in the light of the order of this Court made in W.P.No.25931 of 2013 (M.Baskaran v. State of TN) dated

1.7.2014, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

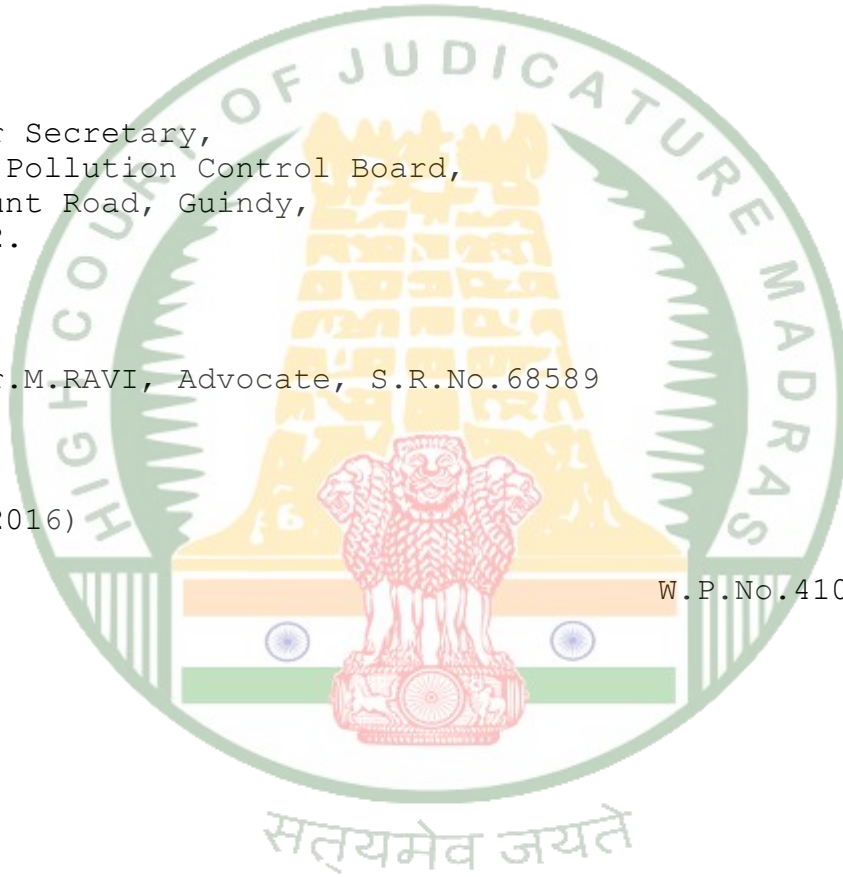
To

The Member Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai-32.

+lcc to Mr.M.RAVI, Advocate, S.R.No.68589

MP(CO)
BB(27/12/2016)

W.P.No.41079 of 2016



WEB COPY