

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32528 of 2017

1. R.Gandhi
 2. C.Ramesh
 3. G.Manjunathan
 4. V.Rajamani
 5. A.Kumaresan
- .. Petitioners

-vs-

1. The Secretary to Government
Housing and Urban Development
Fort St.George
Chennai 600 009
 2. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035
 3. The Accountant Genral
Teynampet
Chennai 600 018
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondents to extend the benefit of G.O.312 dated 26.08.2010 to the petitioners and to grant the revision of scale of pay and grade pay on par with the other department/public sector undertakings by considering the representation of the petitioners dated 03.08.2017, 10.08.2017 and 09.11.2017 respectively within reasonable time.

For Petitioners :: Mr.S.Sivakumar

For Respondents :: Mr.ERA.Premnath
Government Advocate for R1
Mr.V.Anandhamurthy for R2
St.Cl.

ORDER

The petitioners are all serving as Assistant Executive Engineers in the Tamil Nadu Housing Board, a statutory body incorporated under the Tamil Nadu Housing Board Act, 1961, which is also following the fixation of pay and other service

conditions as per the norms prescribed by the Public Works Department.

2. Learned counsel for the petitioners submitted that the employees of the Board are entitled to avail all the benefits and privileges available to the other State Government employees, since the Tamil Nadu Housing Board is a statutory body. While so, when the Government issued G.O.Ms.No.250 dated 17.6.2009 extending the orders of the Government, on the recommendation of the Sixth Pay Commission, to all the employees of the State Public Sector Undertakings/Boards to bring out parity in the pay scales available to the State Public Sector Undertakings/Boards vis-a-vis Government employees, the Government constituted an official committee to examine and make necessary recommendations for the revision of scales of pay and allowances to the State Government employees. Pursuant to the Government Order, the official committee submitted a report on 27.5.2009 and considering the same, G.O.Ms.No.234 dated 1.6.2009 was issued. Thereafter, representations were received from the individuals, Head of Departments and Associations stating that there is an anomaly in the pay scales of the employees working in the Public Works Department in various categories. Therefore, one man commission was appointed and finally on the basis of the recommendations of the one man commission, G.O.Ms.No.312, Finance (Pay Cell) Department dated 26.8.2010 was issued. The same was also accepted and implemented by other Public Sector Undertakings/Boards, namely, Chennai Metro Water Supply and Sewerage Board, TWAD Board etc. Now the grievance of the petitioners is that the benefit of the G.O.Ms.No.312 dated 26.8.2010 has not been extended to the employees working in the Tamil Nadu Housing Board. In similar circumstances, this Court has also passed an order in W.P.No.28141 of 2017 dated 3.11.2017 directing the respondents to consider the representation of the petitioners therein. Therefore, a similar direction may be issued, he pleaded.

3. The learned Government Advocate for the first respondent and the learned standing counsel for the second respondent also submitted that orders were passed by this Court in similar matters.

4. In view of the above, this Court finds no impediment to direct the respondents to consider the representations of the petitioners. Accordingly, the second respondent is directed to consider and pass orders on the representations of the petitioners dated 03.08.2017, 10.08.2017 and 09.11.2017 respectively, in the light of G.O.Ms.No.312, Finance (Pay Cell) Department dated 26.8.2010, within a period of eight weeks from the date of receipt of a copy of this order and forward the same to the third respondent, who in turn shall implement the same

within a period of four weeks thereafter. The writ petition is disposed of accordingly. Consequently, W.M.P.No.35858 of 2017 is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009
2. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035
3. The Accountant Genral
Teynampet
Chennai 600 018

+1cc to Mr.S.Sivakumar, Advocate Sr.No.88950/17
+1cc to Government Pleader SR.no.89442/17
+1cc to MR.V.Anandamurthy, Advocate Sr.No.89314/17

sv(CO)
sm:1.2.2018

W.P.No.32528 of 2017

सत्यमेव जयते

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