

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.20879 of 2008

Santhanagopal

...Petitioner

Vs.

1. The State of Tamilnadu,
rep. by its Secretary,
Finance Department,
Fort St.George, Chennai-9.

2. The Secretary,
Public Works Department,
Fort St.George, Chennai-9.

3. The Chief Engineer General,
PWD, Chepauk, Chennai-5.

...Respondent

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified mandamus, to call for the records relating to the first respondent's letter No.8897/CMPC/2008-2 dated 25.2.2008, quash the same and consequently direct the respondents to revise and refix the scales of pay appropriately with consequential revision in pension and pensionary benefits as applicable thereto forthwith.

For Petitioner

..

Mr.L.Chandrakumar

For Respondent

..

Mr.S.Gunasekaran,
AGP

ORDER

The petitioner has approached this Court seeking the following relief:

"To issue a Writ of Certiorarified Mandamus, to call for the records relating to the first respondent's letter No.8897/CMPC/2008-2 dated 25.2.2008, quash the same and consequently direct the respondents to revise and refix the scales of pay appropriately with consequential revision in pension and pensionary benefits as applicable thereto forthwith."

2. The petitioner was originally employed as N.M.R. employee as Time Keeper from 1970. Thereafter, his services came to be regularized vide G.O.Ms.No.1697/PWD dated 25.8.1982 from the date of said Government Order. However, subsequently, his date of regularization was advanced to 1.1.1981 by a subsequent G.O. Ms.No.1683/PWD dated 14.10.1988.

3. The petitioner on attaining the age of superannuation, retired from service with effect from 30.6.2005. According to him, in Public Works Department, wherein, he was employed, no proper pay scale was prescribed for the post of Time Keeper. According to the petitioner, since very few of the time keepers were in PW Department, their claim for proper pay scale was not considered by the competent authority, whereas, a similar claim from other departments, has been considered by One Man Official Committee appointed by the Government, who recommended a consistent scale of pay, which was also granted by the Government, namely, Rs.610-1075. According to the petitioner, only Time Keepers employed in the PW Department were alone left out despite the recommendation made by the One Man Official Committee. Therefore, the petitioner was continued to remain in the lower pay scale. In such circumstances, the petitioner has made a representation to the authorities concerned, sating that the recommendation of One Man Official Committee ought to be extended to him. However, by proceedings dated 25.2.2008, the first respondent rejected the claim of the petitioner, stating that recommendation of the One Man Official Committee was not made in favour of time keepers working in P.W. Department. The said order of the first respondent dated 25.2.2008 is put to challenge in the present writ petition.

4. Mr.L.Chandrakumar, learned counsel appearing for the

petitioner would contend that originally, One Man Committee was appointed only to address the issue concerning the pay scale of Time Keepers employed in P.W.Department and unfortunately, the Committee's recommendation did not include the claim of Time Keepers employed in P.W. Department for higher pay fixation. He would submit that denial of property pay scale to the petitioner is discriminatory and violative of Article 14 of the Constitution of India. He would also submit that such denial is also opposed to the principle of equal pay for equal work.

5. Upon notice, Mr.S.Gunasekaran, learned Addl.Government Pleader entered appearance for the respondents and filed a detailed counter affidavit, wherein, it is clearly mentioned that One Man Committee had not made any recommendation for grant of revised pay scale to the Time Keepers in P.W. Department. According to the learned Addl.Government Pleader, fixation of pay in various posts is a complicated matter which requires assessment of work nature, qualification and duties of the post. These factors were examined by the One Man Committee and recommended revised scale of pay for certain categories, but it did not recommend in regard to Time Keepers in P.W.Department. Such finding of fact by the specialized Committee, cannot be disturbed or interfered with, since it is a policy decision of the Government to prescribe proper pay scale for each of the category of post. Mere nomenclature cannot give rise to the petitioner to claim parity in treatment as various factors like, qualification, method of appointment, etc. have to be considered. Such issues do not fall within the domain of this Court. Therefore, the learned Addl.Government Pleader urge this Court to dismiss the writ petition.

6. This Court finds considerable force in the contention put forth by the learned Addl.Government Pleader for the respondents, that specialized Committee, namely, One Man Committee had gone into pay anomaly and not found justification in recommending higher pay scale for the Time Keepers employees in the P.W.Department unlike in other departments. Such finding on the basis of field study, cannot be casually or lightly interfered by this Court unless the same is completely arbitrary, irrational and unreasonable, calling for intervention. Such circumstances do not exist in the present case for this Court to exercise its extraordinary power. Therefore, this Court is of the considered view that the petitioner has not made out any case for interference by this Court in the matter of pay parity of the petitioner. In any event, the petitioner, having retired as early as on 30.6.2005, cannot now reopen the issue of fixation of higher pay scale during the period of his employment.

7. For the foregoing reasons, the Writ Petition fails and it is dismissed. No costs.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The State of Tamilnadu,
rep. by its Secretary,
Finance Department,
Fort St.George, Chennai-9.

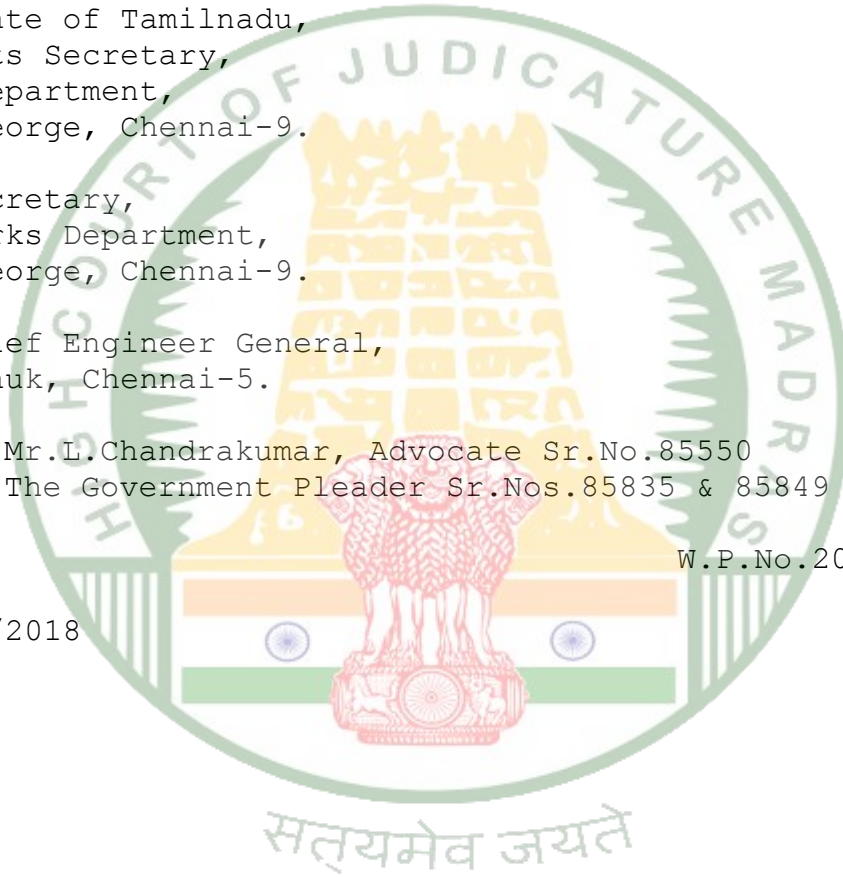
2. The Secretary,
Public Works Department,
Fort St.George, Chennai-9.

3. The Chief Engineer General,
PWD, Chepauk, Chennai-5.

- 1 cc to Mr.L.Chandrakumar, Advocate Sr.No.85550
- 2 cc to The Government Pleader Sr.Nos.85835 & 85849

W.P.No.20879 of 2008

CO(LRS)
RRI 27/02/2018



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