

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28141 of 2017

1. A.Boopathy
2. S.Sundaresan
3. J.Ravi

...Petitioners

Versus

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.
3. The Accountant General,
Teynampet, Chennai-18.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing 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 within a reasonable time.

For Petitioners

: Mr.P.Chandrasekaran
for M/s.S.Sivakumar

For 2nd Respondent
For 1st Respondent

: Mr.V.Anandamoorthy
: Mr.R.A.S.Senthilvel,
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.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 departments/Public Sector Undertakings within a reasonable time to be fixed by this Court.

2. According to the petitioners, the Tamil Nadu Housing Board is a Statutory Body incorporated under the Tamil Nadu Housing Board Act XVII of 1961 and the Board generally follow the fixation of pay and other service conditions as per the Public Works Department norms and the employees of the TNHB are also entitled to avail the benefits and privileges available to the other State Government employees. While so, the Government has constituted an Official Committee to examine and make necessary recommendations for the revision of scales of pay and allowances of the State Government Employees based on the decisions of the Central Government on the recommendations of the 6th Pay Commission. Pursuant to the Government Order, an Official Committee has submitted its report on 27.5.2009 and the Government issued an order vide G.O.Ms.No.234, Finance (PC) Department, dated 1.6.2009.

3. Further, according to the petitioners, since there were some anomalies, while implementing the said Government Order, the Government has constituted One Man Commission to examine the anomalies and thereafter issued an order vide G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010 in respect of Public Works Department. As per the said G.O., the revised scale of pay of Executive Engineer is Rs.15600-39100 + 7600. The same was accepted and implemented by other PSUs/Boards like Chennai Metro Water Supply and Sewerage Board, TWAD Board etc. But the Tamil Nadu Housing Board has not chosen to extend the benefit of the said Government Order to its employees. Though representations have been given by the petitioners through their Association to the respondents, no action has been taken. Hence, their Association has filed W.P.No.15117/2017 before this Court and the same was dismissed by an order dated 16.06.2017 as the Association has no locus standi to file that Writ Petition with liberty to the individual petitioners to work out their remedy in the manner known to law. Hence, the petitioners have given a representation dated 2.8.2017 to the 2nd respondent. But the same has not been considered so far. Hence the present Writ Petition.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice for the 1st respondent and Mr.V.Anandhamurthy, learned Standing Counsel for the Tamil Nadu Housing Board, the 2nd respondent herein sought 12 weeks time to consider the pending representation of the petitioners in the light of the G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010.

5. In view of all the above, this Court directs the 2nd respondent to consider and pass orders on the representation of the petitioners dated 2.8.2017 in the light of G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010, within a period of eight weeks from the date of receipt of a copy of this Court and forward the same to the 3rd respondent, who in turn, on receipt of the same, shall implement the same, within a period of four weeks thereafter.

6. With the above directions, the Writ Petition is disposed of.
No costs.

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03.11.2017

Index:Yes/No
Internet:Yes/No
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To

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**T.RAJA, J.
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