

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29135 of 2017

and

W.M.P.No.31392 of 2017

1.S.Karikalan,
2.S.Sankarpondy
3.P.Porkodi
4.R.Poonkodi
5.M.Saraswathy

.... Petitioners

Vs.

1.The Secretary to Government,
Housing and Urban Development
Fort St. George,
Chennai-09.

2.The Manaing Director,
Tamil nadu Housing Board,
Nandanam,
Chennai-35.

3.The Accountant General,
Teynampet,
Chennai-18.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue 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 to grade pay on par with the other department/public sector undertakings by considering the representation of the petitioners dated 01.08.2017, 10.08.2017 and 07.09.2017 respectively within reasonable time.

For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl GP (For R1)
Mr.V.Anandhamurthy,
Standing Counsel for R2

O R D E R

This writ petition has been filed by the petitioners seeking to direct the respondents to extend the benefit of G.O.No.313, dated 26.08.2010, to the petitioners and to grant the revision of scale of pay and to grand pay on par with the other departments/public sector undertakings, by considering their representations.

2.The petitioners are serving as Assistant Engineers in the Tamil Nadu Housing Board (in short TNHB), which is a statutory body incorporated by the Tamil Nadu Housing Board Act, 1961. TNHB is generally following the fixation of pay and other service conditions as per the Public Works Department norms. The learned counsel appearing for the petitioners submitted that the employees of the TNHB are entitled to avail all the benefits and privileges available to the other state government employees.

3.The Government has constituted an official committee to examine and make necessary recommendations for the revision of the scale of pay and allowances of State Government Employees based on the decisions of the central government on the recommendations of the sixth central pay commission. The said Official Committee has submitted its report on 27.05.2009. Thereafter, the Government has taken decision and issued an order vide G.O.234, dated 01.06.2009. Since there are anomalies in implementing the recommendations of the official committee, the Government has constituted One Man commission to examine the anomalies. On the basis of the recommendations of the One Man Commission, the Government issued orders vide G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010 in respect of Public Works Department. But, the respondents have not chosen to extend the benefits of the said GO to the employees of TNHB. Hence, earlier the petitioner approached this Court by filing W.P.No.15117 of 2017. However, the said writ petition was dismissed by this Court directing them to approach the Government by making proper representation. Accordingly, the petitioners have given representation on various dates. Since the said representations fail to evoke any response from the respondents, they have come to this Court with the present writ petition.

4.The learned Standing Counsel appearing for the respondents submitted that the benefit of G.O.312, dated 26.08.2010, cannot be extended to the petitioners.

5.However, it is true that the claim of the petitioners cannot be rejected without looking into the pros and cons of the claim made by the petitioners. Hence, this Court directs the

respondents to consider the representations of the petitioner and pass 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 petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssv

To,

1.The Secretary to Government,
Housing and Urban Development
Fort St. George,
Chennai-09.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-35.

3.The Accountant General,
Teynampet,
Chennai-18.

+1 CC to Mr.V. Anada Murthy, Advocate sr 81215.

+1 CC to Mr.S. Sivakumar, Advocate sr 81083.

+1 CC to Govt. Pleader sr 81718.

WEB COPY

W.P.No.29135 of 2017
and
W.M.P.No.31392 of 2017

SP(13/12/2017)