

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.04.2017

Delivered on : 25.04.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.34120 and 34121 of 2015

- 1.S.Stephenson
- 2.K.Arumugam
- 3.C.T.Ganesamoorthy
- 4.P.Venkateswaran
- 5.S.Rajendran
- 6.P.N.Balasubramanian
- 7.G.Chandrasekharan
- 8.M.Senthil Kumar
- 9.S.Govindaraj
- 10.A.Kasi
- 11.S.Krishnan
- 12.R.Rajindiran
- 13.M.N.Sen
- 14.AL.Nagarajan
- 15.V.C.Mohana Kumar
- 16.A.Gopalakrishnan
- 17.K.P.Vijayan
- 18.T.John Paulraj
- 19.T.Chockalingam
- 20.P.Selvaraj
- 21.B.B.C.Babu
- 22.A.Ganesan
- 23.A.Arumugam
- 24.M.Ganesamoorthy
- 25.S.Murali
- 26.R.Mohammed Abdul Khader
- 27.S.Ashok Kumar
- 28.P.Murugesan
- 29.A.R.Govindaraju
- 30.M.Santhanam
- 31.L.Subbiah
- 32.G.Subramanian

... Petitioners in W.P.34120 of 2015

- 1.S.P.Karthikeyan
- 2.M.Ganesan
- 3.B.Balaraman

4.C.Kumarasamy
5.R.Annamalai
6.R.M.Balakrishnan
7.T.Ashok Balamurugan

...Petitioners in W.P.34121 of 2015

Vs.

1. The Director,
Central Electrochemical Research Institute(CECRI)
Karikudi - 630 006.
2. The Director General,
Council of Scientific and Industrial Research (CSIR),
No.2. Anusandhan Bhavan,
Rafi Marg, New Delhi - 110 001.
3. Union of India,
Rep. By its Secretary,
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi - 110 001.
4. The Central Administrative Tribunal,
Rep. by its Registrar,
Additional City Court Buildings,
High Court Campus, Chennai - 600 104.

... Respondents in both W.Ps

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records and quash the order dated 20.01.2015 in O.A.No.890 of 2011 and O.A.No.891 of 2011 of the 4th Respondent and consequently direct respondents 1 to 3 to grant the Grade Pay of Rs.4600/- from 01.01.2006 to the petitioners maintaining parity between the petitioners and the administrative staff and petitioners and the technical staff of other scientific institutions.

For Petitioners : Ms.D.Nagasaila

For Respondents : Mr.T.Ravikumar,
Standing Counsel for R1 to R3
R4 Tribunal

C O M M O N O R D E R

K.K. SASIDHARAN,J.

The Central Electrochemical Research Institute (for short "CECRI") revised the Grade Pay of Administrative Staff from

Rs.4200 to Rs.4600. Such revision of Grade Pay was denied to the Technical Staff. The petitioners, working as Technical Staff, therefore, filed Original Applications before the Madras Bench of the Central Administrative Tribunal claiming similar benefit. The Tribunal pleaded helplessness and directed the petitioners to take up the case with CECRI to place it before the VII Central Pay Commission. The said order is under challenge in these two writ petitions.

Brief Facts:

2. The petitioners are employed in the Technical Group in CECRI, Karaikudi. The petitioners were placed in Pay Band-2 in the scale of Rs.9300-34800 with Grade Pay of Rs.4200 following the recommendation of VI Pay Commission. However, similarly placed persons in the Department of Space were given higher Grade Pay of Rs.4600/- The petitioners, therefore took up the issue with the employer. The CECRI, considering the merits in the claim made by the petitioners, constituted a Pay Anomaly Committee. The Pay Anomaly Committee in its report dated 14 January, 2010 arrived at a conclusion that the claim would not come within the scope of 'Anomaly' and hence, the demands were beyond the scope of Pay Anomaly Committee.

3. Subsequently, the other employees working as Administrative Staff of CECRI were all given the Grade Pay of Rs.4600/-. Even then, the petitioners were not given the revised Grade Pay. The petitioners, therefore, filed Original Applications before the Tribunal. The Tribunal disposed of the original applications with an observation that the grant of Grade Pay is essentially the function of Central Pay Commission. The common order dated 20 January, 2015 in O.A.Nos.890 and 891 of 2011 is under challenge in these writ petitions.

Summary of Submissions:

4. The learned counsel for the petitioners by placing reliance on several orders passed by various departments, including the order passed by the CECRI granting Grade Pay of Rs.4600/- to the Administrative Staff contended that the petitioners were subjected to discrimination. According to the learned counsel, there was no rhyme or reason in denying the petitioners the correct Grade Pay. It was contended that the petitioners are entitled to the Grade Pay of Rs.4600/- which was given to the Administrative Staff.

5. The learned counsel for the CECRI supported the order passed by the Tribunal. According to the learned Standing Counsel, the qualification for the post of Administrative Staff is different and as such, the Grade Pay of Rs.4600/- was given

to them. Since the petitioners possess a different qualification and the mode of recruitment is also different, they are not entitled to claim the Grade Pay granted to the Administrative Staff.

Discussion:

6. There is no dispute that similarly placed employees like the petitioners have been placed in Pay Band 2, with Grade Pay, being upgraded from Rs.4000 to Rs.4600/-. It is also not in dispute that the parity which existed before VI Pay Commission was not maintained uniformly later, by denying the petitioners the Grade Pay of Rs.4600/-.

7. The petitioners have produced several orders passed by various departments granting Grade Pay of Rs.4600/- to similarly situated employees. There is no need to consider all those orders, in view of the fact that even CECRI granted higher Grade Pay to its administrative Staff, who are also similarly situated like the petitioners.

8. The CECRI found considerable merit in the claim made by the petitioners that they were not given the correct Grade Pay and that was the reason for constituting the Pay Anomaly Committee.

9. The Administrative Staff like Assistants, Section Officers, Stenographers and Private Secretaries, were all given the Grade Pay of Rs.4600/- by CECRI, Karaikudi. The higher Grade Pay to the administrative staff is justified on the ground that qualification for entry into the service is different. There is absolutely no merit in the said contention. The petitioners are all technical group in various grades. The CECRI was not correct in discriminating the petitioners by not giving them the correct Grade Pay. The qualification for appointment to the post of Assistant is only University degree. However, the Technical Staff must possess engineering qualification. Even then, they are not given the correct Grade Pay taking into account the Grade Pay given to the Administrative Staff. We are therefore of the view that CECRI was not correct in denying the higher Grade Pay to the petitioners.

10. The Tribunal in spite of convincing that the petitioners are entitled to the higher grade pay, failed to exercise the jurisdiction on the ground that it is for the VII Pay Commission to grant them benefits. Since CECRI has already sanctioned the higher grade pay of Rs.4600/- to the Administrative Staff, we are of the view that the petitioners are also entitled to similar treatment.

Disposition:

11. In the result, the common order dated 20 January, 2015 is set aside. The original applications in O.A.Nos.890 and 891 of 2011 are allowed.

12. The first respondent is directed to fix the Grade Pay of the petitioners at Rs.4600 in the Pay Band 2 with effect from the date on which other similarly placed employees in the Administrative Branch were given the benefit of higher Grade Pay. Such exercise shall be completed, within a period of two months from the date of receipt of a copy of this order.

13. The writ petitions are allowed as indicated above. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1. The Director,
Central Electrochemical Research Institute(CECRI)
Karikudi - 630 006.
2. The Director General,
Council of Scientific and Industrial Research (CSIR),
No.2. Anusandhan Bhavan,
Rafi Marg, New Delhi - 110 001.
3. The Secretary,
Union of India,
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi - 110 001.
4. The Registrar,
The Central Administrative Tribunal,
Additional City Court Buildings,
High Court Campus, Chennai - 600 104.

+1cc to Mr.A.Nagasaila, Advocate, S.R.No.25538

+2cc's to Mr.T.Ravikumar, Advocate, S.R.No.24759

W.P.Nos.34120 and 34121 of 2015

SS(CO)

CA(04/05/2017)