

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6805 of 2017
and
W.M.P.No.4565 of 2018

1.Tamil Nadu Kanima Niruvana Suranga
Thozirnuttapa Paniyalargal
Matrum Aluvalargal Sangam
Rep. by its President
Regn.No.3510/CNI
Plot No.11, Amman Koil Street,
Indira Nagar Extension, Gorimedu
Puducherry - 6.

2.R.Andichamy
Mines Foreman,
Tamil Nadu Graphites Mines,
Tamil Nadu Minerals Limited,
Sakkandhi Post,
Sivagangai 625 562.

3.P.K.Padmanaban
Mine Mate,
Tamil Nadu Minerals Limited,
PeriyanaGalur Lime Stone Mines,
PeriyanaGalur Village,
Ariyalur District.

... Petitioners

Vs.

1.Government of Tamil Nadu,
Rep.by its Principal Secretary,
Fort St.George,
Chennai 600 009.

2.Government of Tamil Nadu,
Rep. by its Secretary,
Industries Department,

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Fort St.George,
Chennai 600 009.

3.Tamil Nadu Minerals Limited,
Rep. by its Managing Director,
No.31, Kamarajar Salai,
TWAD House, Chepauk,
Chennai 600 005.

4.The General Manager (Finance),
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
TWAD House, Chepauk,
Chennai 600 005.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, after calling for the concerned records from the 1st and 4th respondent quash the order of the 1st respondent bearing G.O.Ms.No.200 Finance (CMPC) Department dated 10.07.2015 and the order of the 4th respondent dated 02.08.2016 bearing Na.Ka.No.3829/E5/2014 as illegal, arbitrary, Contrary to law and consequently direct the Respondents to revise the grade pay in respect of Mines Foreman from Rs.4500/- to Rs.4800/- and Mines mate from Rs.2400 to Rs.4200/- working in the 3rd respondent with effect from 01.01.2006 notionally and with monetary benefits from 01.01.2007 along with the arrears.

For Petitioner : M/s.Balan Haridas

For Respondents : Mr.R.S.Selvam
Government Advocate for R1 & R2.

M/s.A.Srijayanthi
for R3 & R4.

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O R D E R

The relief sought for in this writ petition is to call for the concerned records from the 1st and 4th respondent quash the order of the 1st respondent bearing G.O.Ms.No.200 Finance (CMPC) Department dated 10.07.2015 and the order of the 4th respondent dated 02.08.2016 bearing Na.Ka.No.3829/E5/2014 as illegal,

arbitrary, Contrary to law and consequently direct the Respondents to revise the grade pay in respect of Mines Foreman from Rs.4500/- to Rs.4800/- and Mines mate from Rs.2400 to Rs.4200/- working in the 3rd respondent with effect from 01.01.2006 notionally and with monetary benefits from 01.01.2007 along with the arrears.

2.The grievance of the writ petitioner is that in respect of the pay anomaly occurred at the time of implementation of the 6th Pay Commission, the writ petitioners have submitted representations to redress the same. However, no decision was taken during the appropriate time and meanwhile the 7th Pay Commission recommendations were submitted and New Pay Scales were introduced.

3.The learned counsel for the writ petitioner states that the authorities have taken a decision on account of the implementation of the 7th Pay Commission, the grievance occurred in the 6th Pay Commission cannot be redressed at all. However, in the counter filed on behalf of the 3rd respondent, it is stated that while the Government accorded recommendations in respect of the categories of Crane operators/Excavator operators vide G.O.Ms.No.127, Industries (MME-1) Department, dated 12.09.2016, the request of the Mines Foreman and Mine Mate, the categories of the petitioner herein had been under the examination of the Government. However, in view of the Government directions issued by the Finance Department in G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015, the 3rd respondent had to rely upon the same and hence issued the impugned order by the 4th respondent.

4.The learned counsel for the writ petitioner states that mere implementation of the 7th Pay Commission will not preclude the petitioners from availing the benefit already accorded in the 6th Pay Commission. The anomaly stands as it is, and the same is to be rectified by the competent authorities. In the event of revising the pay scale from the 6th Pay Commission in accordance with the Government orders, the petitioners would be getting further benefits in the 7th Pay Commission also.

5.Under these circumstances, the 2nd respondent is directed to consider the proposals already submitted by the 2nd respondent and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are also permitted to submit fresh representation, setting out all the facts and grievances by enclosing the relevant documents to the 2nd respondent along with the order passed in this writ petition.

6.With this direction, the writ petition stands disposed

of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar)

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 2.The Secretary,
Government of Tamil Nadu,
Industries Department,
Fort St.George,
Chennai 600 009.
- 3.The Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
TWAD House, Chepauk,
Chennai 600 005.
- 4.The General Manager (Finance),
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
TWAD House, Chepauk, Chennai 600 005.

+1cc to Ms.A.Srijayanthi, Advocate SR.No.60319

+1cc to Mr.B.Alan Haridas, Advocate SR.No.60188

+1cc to Government Pleader SR.No.60103

+1cc to Government Pleader SR.No.60656

W.P.No.6805 of 2017

GMV (19/09/2018)