

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33464 of 2006

and

M.P.No.1 of 2006

S.Anandakumar

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by the Secretary,
Public Works Department,
Fort St. George, Chennai - 9.

2.The Engineer-in-Chief, WRO
and Chief Engineer General-PWD,
Chepauk, Chennai - 600005.

3.The Executive Engineer,
PWD-Water Resources Organisation,
Bhavanisagar Dam Division,
Bhavanisagar. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for records relating to the order of the first respondent made in Lr.No.47646/C2/2004-6 16.12.2005, to quash the same and consequently direct the respondents to revise and refix the scale of pay to the petitioner as per order from the date on which the same fell due with all other consequential benefits both arrears and prospective.

For Petitioner :: Mr.L.Chandrakumar

For Respondents :: Mr.Kamalesh Kannan
Government Advocate

O R D E R

The relief in respect of the grant of scale of pay can be considered, in the event of establishing that there is a discrimination and there is a difference of pay in between the junior and senior and there can not be any comparison in respect of distinct categories.

2.In the case on hand, after implementation of the IV Pay Commission, with effect from 01.10.1984, separate scales of pay

were provided to the categories of Work Inspector Grade-II and Grade-III in the Public Works Department.

3.The petitioner is holding the post of Work Inspector Grade-II cannot have any comparison, in respect of scale of pay as applicable to the post of Work Inspector Grade-III. The post of Work Inspector Grade-II and Grade-III consist of different categories and therefore, the claim of the writ petitioner is that equivalent pay for the post of Work Inspector Grade-II and Grade-III is to be granted cannot be considered and this Court is of the opinion that the scope of considering such claims are limited and only in the event of substantiating that there is a discrimination or there is any violation of the rules in force. The claim regarding the grant of equivalent pay cannot be considered.

4.Equivalent pay is to be considered only in respect of the employees working in the same cadre and not in respect of the distinct cadres. Thus, the order impugned passed by the respondent is in accordance with the legal principles and there is no infirmity as such.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
State of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai-9.

2.The Engineer-in-Chief,WRO
and Chief Engineer General-PWD
Chepauk, Chennai - 600005.

3.The Executive Engineer,
PWD-Water Resources Organisation,
Bhavanisagar Dam Division,
Bhavanisagar.

+1cc to Mr.L.Chandrakumar, Advocate Sr.No.4052

LRS (CO)
sm:20.2.2018

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