

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM:

THE HONOURABLE MR. HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE RMT.TEEKAARAMAN

Writ Petition No.40580 of 2016

1. P.Sakthivel
2. J.Umasankar
3. C.Subramanian Petitioners

versus

1. Government of India,
Represented by its Secretary,
Ministry of Urban Development,
(PSP Division), New Delhi
2. Government of Puducherry,
Represented by its Chief Secretary,
Puducherry
3. Government of Puducherry,
Represented by Secretary,
Department of Stationery and Printing,
Puducherry
4. Union of India, Rep. by Secretary,
Ministry of Finance, New Delhi
5. The Central Administrative Tribunal,
Chennai Bench, by its Registrar,
High Court Campus, Chennai - 104 ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in O.A.No.785 of 2012, dated 10.09.2015, on the file of the fifth respondent Tribunal, to quash the same and consequently, to direct the first respondent to extend the scale of pay of Rs.5000-8000/- to the petitioners, from 01.01.1996.

For Petitioners :Mr. J.Srinivasa Mohan

For Respondents :Mr. G.Rajagoplan, Addl. Solicitor General,
assisted by, Mr.K.Raju.

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.,)

This writ petition has been filed by the petitioners seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records in O.A.No.785 of 2012, dated 10.09.2015, on the file of the fifth respondent-Tribunal, to quash the same and consequently, to direct the first respondent to extend the scale of pay of Rs.5000-8000/- to the petitioners, from 01.01.1996.

2. The brief facts, which are necessary for the disposal of the above writ petition, are as follows:-

The petitioners, who are working as Offset Machinemen Grade-II in the Government Central Press, Puducherry, sought parity with counterparts under the Government of India, from 01.01.1996. As there was no response from respondents 2 and 3, O.A.No.309 of 2007 came to be filed, in which, the respondents were directed to consider the claim for parity, by constituting a committee members, with technical knowledge and take a reasoned decision.

3. The first respondent, pursuant to the CAT Order, passed an order granting parity from 01.01.2006 and rejected the same from the year 1996 on two grounds, viz., (i) there is no post called 'Offset Machineman (Spl.Grade)' under Government of India, from 01.01.1996 and (ii) others may also ask.

4. The above said order was challenged before the Tribunal in O.A.No.785 of 2012. After contest, the Tribunal held that it cannot pre-pone the date of grant. There is no policy decision by the Government or any cut-off date for implementation of any policy decision. Aggrieved over the same, this writ petition has been filed by the petitioners.

5. Heard the learned counsel appearing for both sides.

6. The main grievance of the learned counsel appearing for the petitioners is that the pay parity was in existence even from the year 1996 and as such, the denial of the same by the Tribunal is untenable and without any basis. The learned counsel further submitted that the Tribunal has not appreciated the materials available before it, in a proper perspective and viewed from any angle, the pay parity ought to have been fixed on and from 01.01.1996.

7. Per contra, the learned Additional Solicitor General appearing for the respondents submitted that the Ministry of

Finance observed in detail all the recommendations made by the Committee and ultimately held that with effect from 01.01.2006, the upgraded scale of pay can be fixed. He further submitted that the reasonings given by the Tribunal are perfectly in order and prays for dismissal of the writ petition.

8. We have considered the submissions made by the learned counsel appearing for both sides and perused the materials available on record.

9. At the outset, it has to be pointed out that the application of the principle of 'parity in scales of pay' requires consideration of various dimensions of a given job. The accuracy required and the dexterity that the job requires may differ from job to job. It must be left to be evaluated and determined by an expert body.

10. Here, in the case on hand, a Departmental committee was held pursuant to the directions given in O.A.No.309 of 2007. The Departmental Committee recommended upgradation of pay scale of Offset Machinemen Grade-II in the Government Central Press, Puducherry, on par with the post of Offset Machinemen (Special Grade) in the Government of India Press. Ultimately, basing reliance on the recommendations of the Departmental Committee, the Ministry of Urban Development, PSP Division, Government of India, upgraded the pay of Offset Mechinemen Grade-II, from PB-I to PB-II with effect from 01.01.2006. Further, the Government considered the recommendations of the Departmental Committee and allowed upgraded scale of pay with effect from 01.01.2006.

11. This Court is of the opinion that the Committee has arrived at a correct conclusion and it is bona fide, reasonable and rational, which does not calls for any interference by this Court.

12. Further, it is pertinent to note that nothing prevented the petitioners to give a representation, even in the year 1996, for considering their case of pay parity, on par with the other persons working in the Multi-Colour Printing Government Press. The petitioners moved the Original Application before the Tribunal, only in the year 2007 and in pursuant to that, Government Order has been given with effect from 01.01.2006, for the upgraded scale of pay. Having slept over for more than 11 years, i.e., from the year 1996 to 2007, at this belated stage, it is not open to the petitioners to ask for the benefits with retrospective effect.

13. In view of the foregoing reasons, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

srk

To

1. The Secretary, Government of India,
Ministry of Urban Development,
(PSP Division), New Delhi
 2. The Chief Secretary, Government of Puducherry, Puducherry
 3. The Secretary, Government of Puducherry,
Department of Stationery and Printing, Puducherry
 4. The Secretary, Union of India, Ministry of Finance, New Delhi
 5. The Registrar, Central Administrative Tribunal,
Chennai Bench, High Court Campus, Chennai - 104
- 2 ccs to Mr.K.Raju, Advocate, Sr. 698
Writ Petition No.40580 of 2016

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