

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.11.2018

CORAM

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition No.29542 of 2018

S.R.Elanchezhian

.. Petitioner

- Vs -

- 1 The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Environment and Forest Department
Secretariat Fort St.George, Chennai - 600 009.
- 2 The Chairman
Tamil Nadu Pollution Control Board
No.76 Mount Road Guindy Chennai - 600 032.
- 3 The Member Secretary
Tamil Nadu Pollution Control Board
No.76 Mount Road Guindy
Chennai - 600 032

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the Respondents to pass appropriate orders for revision of Selection Grade and Special Grade scale of pay for the post of Environmental Scientist higher post in the pay scale of Rs.10000-325-15200 and 12000-375-16500 respectively by taking into consideration of the revised pay scale both in Selection Grade and Special Grade fixed for the lower post of Junior Environmental Scientist by taking into consideration of the representation submitted by the Petitioner on 11.12.2013 and 26.05.2014 and subsequent representations within a time frame to be fixed by this Court.

For Petitioner : Mr. G.Sankaran

For Respondents: Mr. A.N.Thambidurai, Spl.G.P.,

ORDER

This writ petition has been filed by the petitioner seeking for the issuance of a writ of mandamus directing the respondents to pass appropriate orders for revision of Selection Grade and Special Grade scale of pay for the post of Environmental Scientist (higher post) in the pay scale of Rs.10000-325-15200 and 12000-375-16500 respectively by taking into consideration of the revised pay scale, both in Selection Grade and Special Grade fixed for the lower post of Junior Environmental Scientist, by

taking into consideration of the representations submitted by the Petitioner, on 11.12.2013 and 26.05.2014 and subsequent representations, within a time frame to be fixed by this Court.

Brief facts:-

2. The petitioner, who is a M.Sc., graduate, was initially appointed as Junior Scientist in Tamil Nadu Pollution Control Board (TNPCB) by direct recruitment on 30.01.1989. Subsequently, the post of Junior Scientist was re-designated as Environmental Scientist in the year 1990 as per B.P.Ms.No.422, dated 18.09.1990. Thereafter, he was promoted as Deputy Chief Scientific Officer in the year 2013.

3. The post of Scientific Assistant carries the qualification of B.Sc., degree and the post of Junior Scientist carries the qualification of M.Sc., degree in TNPCB, filled up by direct recruitment. Subsequently, the post of Scientific Assistant has been re-designated as Junior Environmental Scientist and the post of Junior Scientist has been re-designated as Environmental Scientist.

4. While implementing the VI Pay Commission recommendations as per G.O.Ms.No.162 Finance Department dated 13.04.1998, the ordinary scale of pay for the post of Junior Environmental Scientist (JES) was fixed as Rs.5300-150-8300 and selection grade scale of pay was fixed as Rs.6500-200-10500 and special grade scale of pay was fixed as Rs.8000-275-13500. Similarly, for the post of Environmental scientist, the ordinary scale of pay was fixed as Rs.6500-200-11100 and selection grade was fixed as Rs.9100-275-14050 and special grade was fixed as Rs.10000-325-15200. However, the selection grade and special grade for the post of Environmental scientist have been restricted to Rs.8000-275-13500 and Rs.9100-275-14050 respectively since the post of Environmental Scientist is having promotional opportunity.

5. While so, one Tmt.A.Logambal, who was working in the Junior category post of Scientific Assistant later re-designated as Junior Environmental scientist on 03.09.1987 was granted with selection grade scale of pay in the scale of Rs.8000-275-13500. Thus, the lower category post of Junior Environmental Scientist has been fixed in the higher scale of pay. Based on the decision taken by the Board Resolution dated 27.10.1999, the post of JES become promotional post in as much as the persons working in the post of JES are given promotion in the post of Environmental scientist. Accordingly, the post of JES is the feeder post for promotion to the post of Environmental Scientist. In the said circumstance, the selection grade for the post of JES is fixed in the pay scale of Rs.8000-275-13500. A person getting promotion to the post of Environmental scientist will be placed with higher scale of pay than the

ordinary grade scale of pay for the post of Environmental Scientist (Rs.6500-200-11100).

6. Thus, there is a serious pay anomaly with reference to fixation of pay for the post of Environmental Scientist. Further, when a person working as JES is granted with selection grade in the scale of pay of Rs.8000-275-13500, it is found that the persons working in the lower post with lesser qualification given the higher scale of pay than the person working in the higher post with higher qualification.

7. So stating, the petitioner submitted detailed representations to rectify the pay anomaly with reference to fixation of pay for the post of Environmental Scientist from the year 2013 onwards through proper channel, but, however, the same have not been considered by the respondents / Board till date. Hence, this writ petition.

8. Mr. A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents.

9. Heard the learned counsel appearing on either side and perused the materials available on record.

10. In view of the limited relief sought for, without dwelling into the merits of the matter, it would be suffice to direct the respondents to consider the representations submitted by the petitioner dated 11.12.2013 and 01.10.2018 pass orders on the same within a particular time frame.

11. In the above circumstances, this writ petition is disposed of, directing the respondents to consider the representations dated 11.12.2013 and 01.10.2018 submitted by the petitioner and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srk

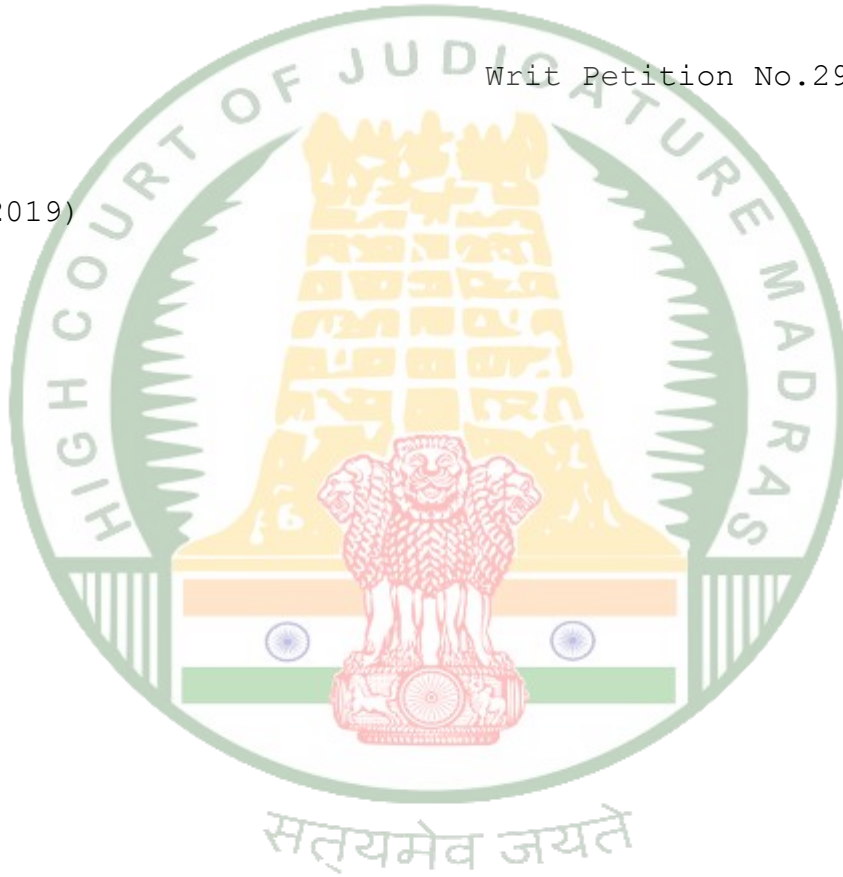
To

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VGI (CO)
SP(23/01/2019)



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