



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10288 of 2014
and
MP(MD)No.2 of 2014

1.P.Periyasamy

2.N.Ramachandran

3.R.Ganesan

4.A.P.Nagarajan

... Petitioners

Vs.

1.The Secretary to Government,
Industries (MME-1) Department,
Secretariat, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Minerals Ltd,
Chepauk, Chennai - 600 005.

3.The Factory Manager,
Tamil Nadu Minerals Ltd.,
Senthudayanathapuram,
Melur Road, Sivagangai.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent ie., the Managing Director, TAMIN, Chennai relating to his letter No.RC.504/E4/14 dated 11.02.2014 and quash the same and consequently direct the first and second respondents to fix the scale of pay in respect of the petitioners as Rs.9300-34800+4200 in the Selection Grade notionally with effect from 01.01.2006 and with monetary benefit from 01.04.2013 within a specified time frame that may be fixed by this Court.

For Petitioners : Mr.K.K.Senthil

For Respondents : Mr.J.Gunaseelan Muthaiah
AGP for R1

ORDER

The petitioners are working as Plumbers in Tamil Nadu Minerals Ltd., (TAMIN). They were all sponsored by the District Employment Exchange, Sivaganga. They had joined duty as early as in May 1994. On completion of 10 years of service, they were given selection grade. Their grievance is that notwithstanding conferment of selection grade in their cadre of Plumber, they have not been given revision of their pay scales. They therefore represented to the second respondent. The second respondent by the impugned communication dated 11.02.2014 declined the demand of the writ petitioners. The writ petitioners had referred to G.O.Ms.No.247, Finance (Pay cell) Department, dated 22.07.2013 in support of their demand. The second respondent has stated that the said G.O. pertains only to the Plumbers working in State Guest House and that therefore it would not have any application to the writ petitioner's case. The said order is assailed in this writ petition.

2. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader for the first respondent and also the learned counsel for the respondents 2 and 3.

3. This Court is of the view that the TAMIN management had clearly misdirected both in law as well as on facts. The Government constituted an One Man Commission to examine the anomalies that had arisen following the implementation of the recommendations of the 2009 Official Committee. The recommendations made by the said One Man Commission were implemented vide G.O.Ms.No.338, Finance (Pay cell) Department dated 26.08.2010. Subsequently, letter dated 08.11.2010 was also issued. But, Electricians working in TAMIN were left out. Hence, G.O.Ms.No.70, Industries (MME-1) Department dated 01.02.2011 came to be issued.

4. Likewise, the Plumbers working in the State Guest House had their grievances un-redressed. They therefore moved the Government for relief. Finding merit in their request, G.O.Ms.No.247, Finance (Pay cell) Department, dated 22.07.2013 came to be issued. The TAMIN management failed to note the terms of G.O.Ms.No.338, dated 26.08.2010 and the subsequent letter dated 08.11.2010 issued by the Finance Department.

5. It is seen that categories who were originally left out were granted benefit of revision of their pay scales notionally with effect from 01.01.2006 and with monetary effect from 01.04.2013. The petitioners were admittedly sponsored by the employment exchange. Admittedly, they had put in more than 20 years of service. They were conferred selection grade on their completion of 10 years of service. There is no point in merely conferring selection grade if consequential pay scale revision is not given effect to.

6. Therefore, the order impugned in this writ petition is quashed. The respondents are directed to fix the petitioners pay

scale in the selection grade as Rs.9300-34800+4200 notionally with effect from 01.01.2006 and with monetary effect from 01.04.2013. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1 The Secretary to Government,
Industries (MME-1) Department,
Secretariat,
Chennai - 600 009

2.The Managing Director,
Tamil Nadu Minerals Ltd,
Chepauk, Chennai - 600 005.

3.The Factory Manager,
Tamil Nadu Minerals Ltd.,
Senthudayanathapuram,
Melur Road, Sivagangai.

+4CC to Mr.K.K.Senthil, Advocate, SR.No. 47352

+1CC to the Special Government Pleader SR.No.47903

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