

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.23006 of 2002ORDER:

This writ petition is filed seeking a writ of mandamus, declaring G.O.Ms.No. 91, dated 28.02.2002 in fixing the scale of pay of Rs.1150-2110 to Plant Supervisors, Store Supervisors and Junior Service Engineers, as illegal, arbitrary, and consequently direct the respondents to fix the scale of pay of Rs.1330-2630 of the 1986 Pay Revision Commission to the petitioners from the date of their initial appointment, with all consequential benefits.

2. Heard Smt. K.Udayasri, counsel for the petitioner-Association and the Standing Counsel for the respondents.

3. It has been contended by the petitioner-Association that in-service Diploma holders have been selected as Plant Supervisors, Store Supervisors and Junior Service Engineers, and the qualification for the said post is a Diploma. As, admittedly, all the members of the petitioner-Association are diploma holders and in-service candidates, it is contended that as per the recruitment rules, preference should be given to the diploma holders. The grievance of the petitioner-Association is that degree holders are placed in the scale of pay of Rs.1330-2630, whereas the diploma holders are placed in the scale of pay of Rs.1150-2110, even though the nature of duties of the degree holders and diploma holders are one and the same. It has been further contended by the petitioner-Association that they have filed W.P.No. 31187 of 1997 before this Court, and this Court was pleased to disposed of the said writ petition on 1st November, 2000, directing the respondents to re-examine the case of the petitioner-Association and pass appropriate orders. In

pursuance of the orders passed by this Court, the respondents have constituted a One-man Commission and after the recommendations of the One-man Commission, the respondents have issued G.O.Ms.No. 91, dated 28.02.2002, wherein they have reiterated their earlier decision and continued to pay higher scale of pay to degree holders. Aggrieved by the same, the present writ petition is filed.

4. It has been contended by the counsel for the petitioner that the diploma holders are also discharging duties similar to that of the degree holders, and the action of the respondents in placing the diploma holders in lower pay scales, when compared to the degree holders, is arbitrary, illegal and discriminatory.

5. The issue raised by the petitioners was considered by the One-man Commission, and on the recommendations of the One-man Commission, the respondents have issued G.O.Ms.No. 91, dated 28.02.2002, and the action of the respondents in granting higher pay scale to persons with higher qualification, is not discriminatory, as there is a reasonable classification in respect of persons who possess higher qualifications.

6. In view of the above, the writ petition is devoid of merits, and is accordingly dismissed. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 31.10.2018
DMG

