

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9767 of 2010

&

M.P.No.1 of 2010

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
(Wrongly typed as The Management,
Tamil Nadu Kadhar Grama Thozhil Variyam)
Kuralagam, Chennai - 108.

...Petitioner

Vs..

1.The Secretary,
Centre of Indian Trade Union,
(CITU Thozhil Sangam)
Old No.13, New No.28,
Masoodhi Street, Chepauk,
Chennai - 600 005.

2.The Presiding Officer,
Industrial Tribunal,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in I.D.No.16/2005 on the second respondent to quash the same so far as the first portion of award i.e., 20 permanent workers are entitled for the scale of pay as per G.O.No.666 dated 27.06.1989.

For Petitioner : Mr.S.K.Bose

For Respondents : Mr.S.Muthu Pandian
(for first respondent)
R2:Tribunal

ORDER

The portion of the award passed in I.D.No.16/2005 is sought to be quashed regarding the entitlement of 20 workers as permanent employees in regular time scale of pay.

2.It is brought to the notice of this Court that during the pendency of this writ petition, the writ petitioner/Tamil Nadu Khadi and Village Industries Board passed an order in R.E.P.MS.No.7 dated 29.07.2011 granting permanent status to

these workers and fixed the time scale of pay. The learned counsel appearing on behalf of the respondent made a submission that employees are eligible to get time scale of pay as per the Government Order issued in G.O.No.666 dated 27.06.1989.

3.This Court is of the considered opinion that the Government Pay Rules implemented pursuant to the recommendations of the pay commission would not be directly applicable to the writ petitioner's Board as the Board has to adopt time scale of pay or fixation of pay with reference to their cadres and considering various other particulars including the job responsibilities etc. Thus, the revision of scale of pay cannot be directly applied to the Board employees and the Board has to fix the scale of pay as applicable to these workers who were already observed on permanent basis. Admittedly, all these employees were observed on permanent basis and time scale has been fixed. Thus, as per the Board proceedings dated 29.07.2011, the petitioner is directed to calculate the salary due to these workers and settle the same within a period of 12 weeks from the date of receipt of copy of this order.

4.Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrm

To

1.The Secretary,
Centre of Indian Union,
(CITU Thozhil Sangam)
Old No.13, New No.28,
Masoodhi Street, Chepauk,
Chennai - 600 005.

2.The Presiding Officer,
Industrial Tribunal,
Chennai.

+1cc to Mr.S.K.Bose , Advocate SR.No. 99883

+1cc to Mr.M.Muthupandian , Advocate SR.No. 100597

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