

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8681 of 2014

B.Krishnamurthy

... Petitioner

Vs.

1. The Tamil Nadu Khadi and Village Industries Board,
Rep. by Chief Executive Officer,
Kuralagam, Chennai - 108.

2. The Principal Secretary to Government,
Handlooms Handicrafts Textiles & Khadi Dept.,
Chennai - 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to get the post of Electrical Supervisor revived from the second respondent and directing the first respondent to pay, pay and allowances to the petitioner in the cadre of Electrical Supervisor from 5.1.2007 and to pay all arrears.

For Petitioner : Mr.P.Subramani

For Respondent No.1 : Mr.S.K.Bose

For Respondent No.2 : Mr.B.Anand, G.A.

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O R D E R

According to the petitioner, vide proceedings No.60 of the Khadi Board, dated 8.7.1999, the petitioner was permanently absorbed as Lift Operator in Khadi Board with effect from 1.7.1999 forenoon. According to the petitioner, the next avenue for promotion to the post of Lift Operator is Electrician, Head Wireman. The Electrical Supervisor post was abolished by the

Government in G.O.Ms.No.36, dated 8.3.2000 without any proper reason. According to the petitioner, the petitioner's right of promotion to the said post stalled because of the abolition of the said post and the aforesaid post is required to run the electrical system smoothly. The petitioner made request to the respondent for promotion to the post of Supervisor (Maintenance) on 25.6.2003. However, the same was rejected by the respondent on 16.2.2004, by informing that there is no provision in the Board Service Regulation for promotion to Supervisor (Maintenance). According to the petitioner, petitioner is now working as Electrical Supervisor (Incharge), but he was paid salary in the Lift Operator scale of pay with effect from 1.5.2007. According to the petitioner, no equal pay for equal work for the service rendered by the petitioner. Petitioner made a request, but the same was not considered. Hence, the petitioner has filed the present writ petition before this Court.

2. Counter affidavit has been filed by the respondent wherein it is stated in the year 1996 to 2000, the Board faced severe financial crisis due to which it could not even able to pay salary to their staff and other expenditure. Pursuant to the decision taken in G.O.Ms.No.36, issued by Handlooms, Handicrafts, Textiles and Khadi (F2) Department, dated 8.3.2000, staff strength under non trading side should be abolished in the coming years viz., (2001-2002 to 2005-2006) and the post under the trading side should also be abolished simultaneously. Since the post of Electrical Supervisor was vacant during the aforesaid period, the said post was abolished by the Board vide Khadi Board proceedings (Ms.) No.19, dated 12.3.2004. As per the service Regulation, promotional avenue for the Lift Operator is Electrician and subsequently, Head Wireman. Petitioner and two other persons working in the post of Electrician. Therefore, there is no post available for promoting the petitioner in the post of Supervisor (Electrical) bypassing the next two higher level posts. Further, Supervisor (Electrical) post is not in existence. Therefore, the Board has rejected the request of the petitioner.

3. Therefore, it is clear from the counter affidavit filed by the respondent, the post of Supervisor (Electrical) is not in existence, pursuant to the G.O.Ms.No.36 issued by Handlooms, Handicrafts, Textiles and Khadi (F2) Department, dated 8.3.2000. Therefore, prayer as sought for by the petitioner for promoting to the post of Supervisor (Electrical) cannot be granted and the same is liable to be rejected. Consequently, the writ petition is deserves to be dismissed. However, it is open to the petitioner to approach the authority

to make any fresh representation seeking scale of pay on par with the Supervisor (Electrical) if it is otherwise eligible.

In fine, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer,
The Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai - 108.
2. The Principal Secretary to Government,
Handlooms Handicrafts Textiles & Khadi Dept.,
Chennai - 600 009.

+1cc to Mr.P.Subramani, Advocate, S.R.No.32550
+1cc to Mr.S.K.Bose, Advocate, S.R.No.32618
+1cc to the Government Pleader, S.R.No.33458

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CA(CO)
CS/23/05/2019

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