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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.07.2019

Pronounced on : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD) No.15260 of 2019

Murugan

.. petitioner

vs.

1.The Secretary to Government,
(Local Administration),
Tamil Nadu Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Secretary to Government,
(Health),
Tamil Nadu Secretariat,
Fort St. George,
Chennai - 600 009.

3.The Director,
Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet,
Chennai - 600 015.

4.The District Collector/
Chairman of DRDA,
Pudukottai District,
Pudukottai - 622 001.

5.The Project Director,
District Rural Development Agency,
Pudukottai - 622 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 4th respondent in his proceedings No.R.C.No.3988 / 2018 / S dated 16/06/2019 and quash the same and consequently direct the 4th respondent to fix pay of the petitioner under G.O.Ms.No.303 Finance (Pay Cell) Department dated 11/10/2017 with consequential arrears.



For Petitioner : Mr.A.John Vincent

For Respondents: Mr.M.Pandiarajan
Additional Government Pleader

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ORDER

This writ petition is directed against the impugned order passed by the fourth respondent dated 16.06.2019, rejecting the request of the petitioner for revision of pay. A consequential direction has also been sought for to the fourth respondent to fix the petitioner's pay under G.O.Ms.No.303 Finance (Pay Cell) Department, dated 11.10.2017 with consequential arrears.

2.By consent of both parties, the writ petition itself is taken up for final disposal at the admission stage.

3.According to the petitioner, he joined as a Block Coordinator, under the 'Total Sanitation Campaign' (Nirmal Bharath Abiyan) in Ponnamaravathi Union from 02.12.2004 and he was paid consolidated amount of Rs.3,000/-. His pay was revised from 01.04.2015. But, the 7th pay commission recommendation was not effected to the Block Coordinators. Under such circumstances, the petitioner made a representation to the respondents, for which, no reply has been received by the petitioner. Hence, he filed W.P(MD) No.24696 of 2018 before this Court, seeking direction to the respondents to consider the representation to increase the consolidated pay of Block Coordinators. This Court, by order dated 07.03.2019, directed the fourth respondent therein to consider the petitioner's representation in the light of G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 and pass orders within a period of six weeks.

4.In compliance of the order passed by this Court, the fourth respondent has passed orders on 16.06.2019, rejecting the claim made by the petitioner for revision of pay. Challenging the same, the petitioner is before this Court with the aforesaid relief.

5.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner was temporarily engaged on contract basis as Block Coordinator in 'Total Sanitation Campaign' project and based on the suggestion made by the Director of Rural Development and Panchayat Raj, Chennai, the petitioner's pay was refixed at Rs.8,000/- and Rs.1,000/- as monthly travel allowance. Further, G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 is applicable only to the regular State Government employees, who hold the sanctioned post. In the present case, the petitioner was engaged temporarily on contract basis, as Block Coordinator and the same is not a sanctioned post and thus, he is not entitled to get the benefits under the said Government Order.



6. According to the learned counsel for the petitioner, the petitioner comes under the category of "employees on consolidated pay/fixed pay/honorarium", as prescribed in G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017, but, the fourth respondent without taking into account the said fact, has erroneously rejected the claim of the petitioner and therefore, the impugned order is illegal and arbitrary and the same is liable to be quashed.

7. A perusal of records would clearly show that the petitioner was engaged as Block Coordinator purely on temporary basis with a consolidated pay of Rs.3,000/-. Thereafter, his pay was refixed based on the suggestion made by the Director of Rural Development Panchayat Raj, Chennai. Further, as pointed out by the learned Additional Government Pleader, no sanctioned post was given to the 'Total Sanitation Campaign' project. It is only temporary and contract basis project. Therefore, the petitioner has no legal right to seek for higher pay based on the Court order.

8. At this juncture, it is useful to read Clause 23 of G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017. The same reads as follows:

"23. Certain **categories of posts were sanctioned** on part-time basis by the Government on consolidated pay / Fixed pay / Honorarium for implementation of schemes / programmes. The revised remuneration of the employees in consolidated pay / fixed pay / honorarium shall be fixed as follows:

***** "

9. On a reading of the said Government Order, it is seen that the aforesaid Government Order is applicable only to certain **categories of sanctioned posts** on part-time basis by the Government on consolidated pay / Fixed pay / Honorarium for implementation of schemes / programmes. Therefore, the petitioner, being engaged temporarily as a Block Coordinator on contract basis in the non-sanctioning post, cannot seek revision of pay in the light of the aforesaid Government Order.

10. Further, G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017 is applicable only for the regular State Government employees and other categories of employees on part time basis on consolidated pay / fixed pay / honorarium, who hold the sanctioned post. All the above, no material is placed before this Court to show that the post of the petitioner is a sanctioned post. This Court is of the view that the impugned order passed by the fourth respondent does not suffer from any legal infirmity to interfere by this Court. Therefore, there is no error or illegality in the impugned order passed by the fourth respondent.



11. In the above facts and circumstances, this Court finds no merit in the contention of the petitioner. Therefore, this writ petition deserves to be dismissed.

12. In fine, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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(Local Administration),
Tamil Nadu Secretariat,
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5. The Project Director,
District Rural Development Agency,
Pudukottai - 622 001.

+1 CC to Mr. A. JOHN VINCENT, Advocate SR-84835.

Order made in
W.P (MD) No.15260 of 2019
29.08.2019

CS(17.09.2019) 4P 7C