



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.3737 of 2019

- 1.K.Ahilan
- 2.Er.R.Ramakrishnan
- 3.B.Gothandaraman
- 4.S.Johnson
- 5.L.Bennet Dod Singh
- 6.N.Gunasekaran
- 7.S.Murugadhas
- 8.C.Rengarajan
- 9.S.Rajendran
- 10.N.K.Janakiram
- 11.Er.M.Maria Savarimuthu
- 12.Er.S.Navaneethan
- 13.Er.A.Prathaban
- 14.Er.D.Prabusankar
- 15.T.Ragunath
- 16.Er.M.Rajakumar
- 17.Er.M.Singaram
- 18.Er.T.Rajalingam

... Petitioners

/vs./

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai.
- 2.The Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
- 3.The Secretary,
Finance Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to extend the benefits of revised pay scale from Rs.37,400 - Rs.67,000 + GP Rs.8,900 to Rs.37,400 - Rs.67,000 + GP Rs.9,500 to the Chief Engineers of Tamil Nadu Water Supply and Draining Board Department on par with Chief Engineers of Government Department as per Government Order vide G.O.(Ms)No.256, Finance Department (Pay Cell) dated 26.08.2010 based on the recommendation of one man commission on sixth pay commission report.



For Petitioners

For R-2 & R-3

For R-1

: Mr.Raja.Karthikeyan

: Mr.R.Sethuraman

Special Government Pleader

: Mr.Porkodikarnan

ORDER

This writ petition has been filed to direct the respondents to extend the benefits of revised pay scale from Rs.37,400 - Rs.67,000 + GP Rs.8,900 to Rs.37,400 - Rs.67,000 + GP Rs.9,500 to the Chief Engineers of Tamil Nadu Water Supply and Draining Board Department on par with Chief Engineers of Government Department as per Government Order vide G.O.(Ms)No.256, Finance Department (Pay Cell) dated 26.08.2010 based on the recommendation of the sixth pay commission report.

2. Though the petitioners have sought for issuance of writ of mandamus to the respondents to consider the petitioners for extending the benefits of revised pay scale from Rs.37,400 - Rs.67,000 + GP Rs.8,900 to Rs.37,400 - Rs.67,000 + GP Rs.9,500 to the Chief Engineers of Tamil Nadu Water Supply and Draining Board Department on par with Chief Engineers of Government Department as per Government Order vide G.O.(Ms)No.256, Finance Department (Pay Cell) dated 26.08.2010 based on the recommendation of the sixth pay commission report, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made representations on 09.06.2018, 15.12.2018, 29.12.2018, 17.01.2019, 17.12.2018, 15.12.2018, 09.01.2019, 17.01.2019, 11.01.2019, 26.12.2018, 10.12.2018, 31.12.2018, 10.12.2018, 09.01.2019, 27.12.2018, 05.12.2018, 11.01.2019, 26.12.2018 in this regard, which are said to be pending. If the said representations are directed to be disposed of within stipulated time, the ends of justice could be secured.

4. The first respondent herein has filed counter affidavit, in which it is stated that a proposal has been sent to the Government with regard to the implementation of the revised pay scale and the same is pending.

5. Whenever representations are made to a statutory authority to redress the claim of the employees, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representations within the stipulated time.



6. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representation, dated 09.06.2018, 15.12.2018, 29.12.2018, 17.01.2019, 17.12.2018, 15.12.2018, 09.01.2019, 17.01.2019, 11.01.2019, 26.12.2018, 10.12.2018, 31.12.2018, 10.12.2018, 09.01.2019, 27.12.2018, 05.12.2018, 11.01.2019, 26.12.2018, based on the recommendation of the sixth pay commission report, on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representations and it is for the respondents to consider it in accordance with law.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

2.The Secretary,
Finance Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

+1cc to Mr.Raja.Karthikeyan, Advocate Sr.No.104755
+1cc to M/s. Porex Legal Solutions, Sr.No.104483
+1cc to SPL GP Sr.N o.104515

Order made in
W.P.(MD)No.3737 of 2019
10.12.2019