

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.29782 & 29783 OF 2013

K.Thamilselvan
KT.Md.Mohideen Abdul Khader
Daniel 'D' Cruyz
C.Chandran
K.Lakshmanan
P.Elumalai
J.Kannan
K.Sheik Rahamathullah
M.Mani
M.Anandaraj
N.Dhandapani
S.Ponnusamy
V.Arumugam
R.Venkatesan
U.K.Malakondiah
T.Ulaganathan
N.Padmanathan
M.G.Sekar
E.Natarajan
S.Selvanayagam
R.Anbanantham
E.Karunakaran
A.Rajamohan
R.Rajendran
R.Ganesan
E.Ekklangan
N.Karunakaran
D.Punniyakotti
R.Arumugam
N.Vijayakumar

.. Petitioners in WP.No.29782/2013

M.G.Sekar
KT.Md.Mohideen Abdul Khader
C.Chandran
J.Jannan
R.Anbanantham
E.Karunakaran

Page numbers

N.Karunakaran
K.Sheik Rahamathullah
M.Anandaraj
U.K.Malakondiah
V.Arumugam
N.Padmanathan
E.Elangan
K.Thamilselvan
D.Punniyakotti
A.Rajamohan
R.Rajendran

... Petitioners in WP.No.29783/2013

- Vs -

1.The Member Secretary,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-32.

2.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-32.

3.The Secretary,
Environment and Forest,
Government of Tamil Nadu,
Fort. St. George, Chennai -3.

..Respondents in both Wps.

Prayer in WP.No.29782/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1 to 3 Respondents to remove the pay anomaly caused in the scale of pay of the irrespective petitioners with the following grade pay at Rs.4000-100-6500=4100 + 35PP as per the V pay commission recommendation for the post of Field Assistant and serve all the attendant benefits with effect from 12.10.1997 the date of grant of selection grade in all monthly including the consequent period with real increment.

Prayer in WP.No.29783/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1 to 3 Respondent to remove the pay anomaly caused in the scale of pay for the Field Assistant in comparison to the post of Lab Assistant as per the V pay commission recommendation and as directed in G.O.Ms.No.162 Finance (PC) Department dated 13.04.1998 with effect from 01.09.1998 all monetary as well as with all attendant and consequent increase in the scale of pay of the petitioners.

Page numbers

In Both WPs.,
For Petitioners: M/S.R.Ramanlaal

For Respondents: Mr.Kasirajan for RR1 to 2
: Mr.S.Prabu, AGP for R3

COMMON ORDER

As the relief sought for in both petitions are similar in nature, they are disposed of by this common order.

2.These petitions are filed by the petitioners to remove the pay anomaly caused in respect of the grade pay given to the petitioners as per the V Pay Commission recommendation.

3.According to the petitioners, all are working as Field Assistants under the control of second respondent Board from the year 1987 onwards, which is a non promotional post. On completion of 10 years of service, a person will automatically be granted selection grade and on completion of 20 years of service a person will be given special grade pay. It is the case of the petitioners that they have been granted selection and special grade scale of pay. The 3rd respondent passed G.O.Ms.No.162 Finance (PC) Department dated 13.04.1998 implementing the recommendations of the V Pay Commission to the staff of the State Government. On 27.05.1998, the 1st and 2nd respondents have implemented the recommendations of pay commission and accordingly, the pay of the staff members were fixed. The grievance of the petitioners is that while one set of staff members were granted the pay properly, the other set of staff members have not been given the proper pay, more especially the grade pay. There cannot be two sets of scale of pay in the same cadre for identically placed persons. In order to remove the pay anomaly the petitioners made representations, however the respondents till date have not considered the same, prompting the petitioners to file these petitions.

4.Though very many grounds have been raised in support of the plea of the petitioners, however, when the matter is taken up for hearing, learned counsel appearing for the petitioners submitted that without going into the merits of the issue, it would suffice if this Court directs the 3rd respondent to implement the benefits of the 5th Pay Commission vide G.O.Ms.NO.162 Finance (PC) Department dated 13.04.1998, for extension of, if applicable to the petitioners within a particular time frame.

Page numbers

5. On the above contention, this Court heard the learned Additional Government Pleader appearing for the 3rd respondent, who has no serious objections to such a direction being passed, and if the recommendation of the 5th pay commission is applicable to the petitioners, then their requests will be considered in accordance with law.

6. Considering the limited relief sought for, without going into the merits of the issue, this Court directs the 3rd respondent to consider the representations made by the petitioners, in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order, if not considered already.

7. With the above direction, these Writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-32.
2. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-32.
3. The Secretary,
Environment and Forest,
Government of Tamil Nadu,
Fort. St. George, Chennai -3.

+1cc to Mr.R.Ramanlaal, Advocate SR.33375
+1cc to the Spl.Government Pleader(Forest) SR.33627

W.P. Nos.29782 & 29783 OF 2013

PP(CO)
CB(07/12/2020)

Page numbers