

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2020
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7649 of 2013

S.Vetriselvan

.. Petitioner

vs.

1.Tamil Nadu Pollution control Board,
Chennai 600 032.
Rep. By the Chairman,
Board of Directors.

2.The Member -Secretary,
Tamil Nadu Pollution Control Board,
Chennai 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefits granted by this High Court, Madras in similarly placed person in and by Judgment dated 19.10.2009 in W.P.9846/2000, which also was complied with and to consequently refix the Selection Grade Scale of Pay of the Petitioner in the post of Junior Environmental Scientist in the Scale of Pay of Rs.8000-275-13500 with effect from 1.12.2007, the date of his moving to Selection Grade in the said post; issue revised order to this effect and to disburse arrears of pay and allowances with interest within a time frame.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.C.Kasirajan

ORDER

The prayer sought for in the Writ Petition is to direct the respondents to extend the benefits granted by this Court to similarly placed person in and by Judgment dated 19.10.2009 in W.P.9846/2000, which also was complied with and to consequently refix the Selection Grade Scale of Pay of the Petitioner in the post of Junior Environmental Scientist in the Scale of Pay of Rs.8000-275-13500 with effect from 1.12.2007, the date of his moving to Selection Grade in the said post; issue revised order to this effect and to disburse arrears of pay and allowances with interest within a time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

3. According to the petitioner, he was appointed as Junior Environmental Scientist in the Tamil Nadu Pollution Control Board in the year 1997 and thereafter his pay scale was revised periodically with effect from 1.09.1998 in the said post. It is the averment made by the petitioner that he was granted Selection Grade Scale of pay on competition of 10 years of service. In the meanwhile, based on the recommendations of the Official Committee orders were issued in G.O.Ms.No.162, Finance (Pc) Department dated 13.04.1998, extending the benefits of Selection/Special Grade Scale of Pay to the posts which have no promotional avenue and issued orders to that effect, however he was not considered in accordance with the above order. Therefore, he made representations to the Board dated 06.12.2007, 07.05.2012 and 10.08.2012 respectively, requesting to fix the Scale of pay of Rs.8000-275-13500 with effect from 1.7.2007. Since no action is forthcoming, the present petition has been filed.

4. Learned counsel appearing for the petitioner submitted that on the earlier occasion, similarly situated persons approached this Court, and preferred W.P.No.9846/2000, and this Court by its order dated 19.10.2009, allowed the claims of the petitioner therein, based on G.O.Ms.No.162, Finance (Pc) Department, dated 13.04.1998 and the same has been implemented by the Board by its proceedings dated 24.01.2012 and 15.03.2012. He further submitted that the petitioner is as a similarly situated person, and so is entitled to get the same benefit. However, the respondents till date have not considered his request. Hence, it would be sufficient to direct the respondents to consider the representation of the petitioner dated 10.08.2012 and pass orders on the same, within a reasonable time as fixed by this Court.

5. On the above contention, this Court heard the learned Standing counsel appearing for the respondent, who has no serious objection to such a direction being issued on the respondents.

6. In view of the limited relief sought for and there being no objection raised by the learned counsel for the respondents, this Court, without going into the merits of the contentions raised in the grounds, directs respondents 1 and 2 to consider the representation of the petitioner dated 10.08.2012 and pass orders in the light of G.O.Ms.No.162, Finance (Pc) Department, dated 13.04.1998, if applicable to the petitioner accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

-s/d-
Assistant Registrar

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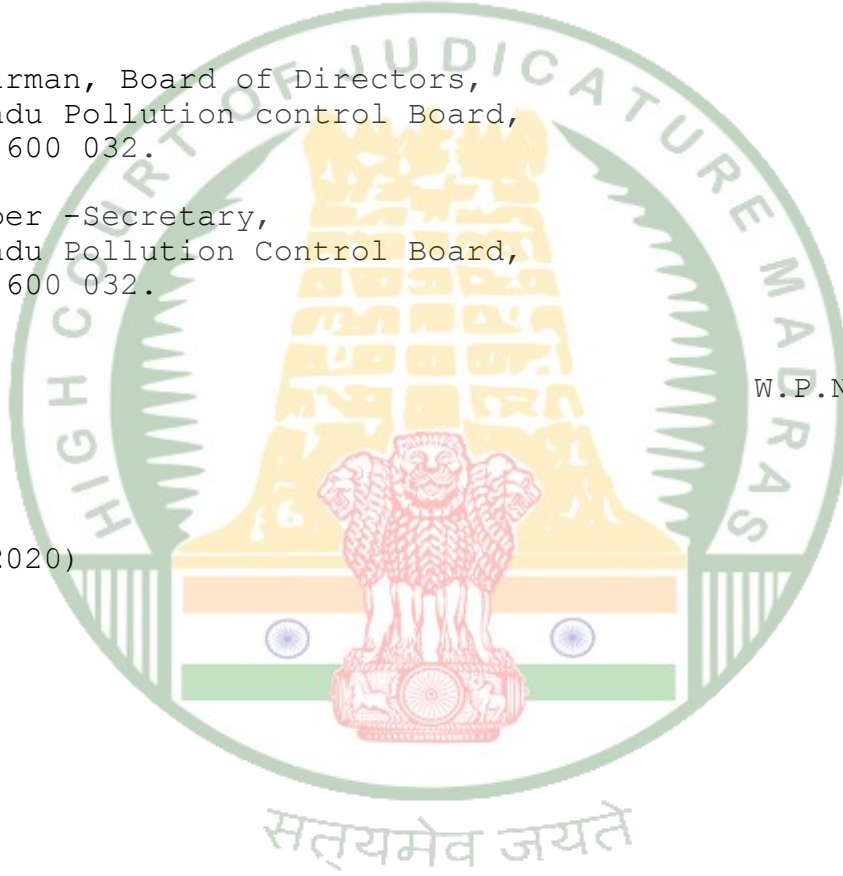
Sub-Assistant Registrar

jrs
To

- 1.The Chairman, Board of Directors,
Tamil Nadu Pollution control Board,
Chennai 600 032.
- 2.The Member -Secretary,
Tamil Nadu Pollution Control Board,
Chennai 600 032.

W.P.No.7649/2013

BS (CO)
SP(09/12/2020)



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