

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.8943 of 2013

Assistant Engineers' Association,
Tamil Nadu Slum Clearance Board,
rep. By its President,
K.K.Nagar Main Road,
Madurai 625 020.

... Petitioner

vs.

Tamil Nadu Slum Clearance Board,
rep. By its Managing Director,
No.5, Kamarajar Salai,
Chennai 600 005.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to grant the scales of pay to the Assistant Engineers and Assistant Executive Engineers of the Respondent with effect from 01.01.2006 notionally and monetarily with effect from 01.08.2010 on par with that of the Assistant Engineers and Assistant Executive Engineers of Public Works Department as ordered in G.O.Ms.No.312 (Finance (Pay Cell) Department), dated 26.08.2010, based on the recommendation of the One Man Commission.

For Petitioner : Mr.N.Subramaniyan

For Respondent : Mr.S.Prabhu

ORDER

According to the Petitioner, their Association comprises of Assistant Engineers and Assistant Executive Engineers of Tamil Nadu Slum Clearance Board, as its members.

2. The issue raised in this Writ Petition is that, the 1st Respondent has taken a policy decision to implement the Central Pay scales for the employees of the State also. Accordingly, after the implementation of the 6th Central Pay Commission by the Government of India, the 1st Respondent has constituted an Official Committee in the year 2009 and the pay scales of

Engineers of the State were revised and accordingly, the Engineers of the Respondent/Board were also granted the same scales of pay with notional effect from 01.01.2006 and with monetary effect from 01.07.2006.

3. Thereafter, all the Engineers' Association in the State made representations to the Government to revise the pay scale of Engineers of the State, pointing out various anomalies. Pursuant to the same, the Government constituted an One Man Commission to go into the grievances of Engineers and others. The One Man Commission called for a meeting of various Associations of Engineers and heard their grievances and after due consideration of their representations on merits, recommended higher scales of pay for the Assistant Engineers, Assistant Executive Engineers and Executive Engineers of Public Works Department. The recommendation of the One Man Commission was accepted by the Government and orders were passed to implement the same vide G.O.Ms.No.312, Finance Department, dated 26.08.2010 in respect of Public Works Department. Subsequently, similar orders were also passed for other Engineering Departments viz. Highways Department, Inspector of Factories, Chennai Corporation, etc.

4. When the Government was about to pass orders extending the recommendation of the One Man Commission to Engineers of the Respondent/Board, Block Development Officers, Tahsildars and others started agitations on the eve of the last Assembly Elections, forcing the Government not to grant higher pay scales to Engineers. Pursuant thereto, the Government, without giving any opportunity to the Engineers to represent their case, passed orders in G.O.Ms.No.71 Finance Department, dated 26.02.2011 as demanded by the BDOs, by reducing the pay scales of Engineers and increased the pay scales of Tahsildars and BDOs.

5. The said Government Order in G.O.Ms.No.71 was challenged by the Engineers of Public Works Department, Highways Department, Agriculture Department, etc. in W.P.Nos.7086 to 7088 of 2011, W.P.Nos.7006 and 7007 of 2011, etc. and this Court, vide order dated 18.03.2011, granted stay of the operation of the said Government Order. However, by a common order dated 08.03.2012, the said Writ Petitions were dismissed. Challenging the same, Writ Appeals were preferred before this Court in W.A.Nos.514 to 516 of 2012 and this Court, on 27.03.2012, granted an order of interim stay of the said Government Order and the said order of interim stay is in force till date. Pursuant thereto, Engineers of the Public Works Department and other Departments are getting pay scales, as ordered by the Government, based on the One Man Commission.

6. Thereafter, on 06.12.2010, on the representation made by the Petitioner-Association, the Respondent/Board sought remarks of the Chief Engineer as to the implementation of the One Man Commission for the Engineers of the Respondent/Board. However, till date, the Respondent/Board has not revised the pay scales of Engineers of the Petitioner Association on par with the pay scales of the Engineers of Public Works Department. Therefore, Assistant Engineers and Assistant Executive Engineers of the Petitioner-Association have been discriminatively denied the revised pay scales with notional effect from 01.01.2006 and monetary effect from 01.08.2010 on par with the Engineers of the Public Works Department. Hence, having no other alternative remedy, the Petitioner Association has come up with the present Writ Petition.

7. Learned counsel for the Petitioner submitted that, the issue in question was extensively dealt with by the Apex Court and that, the Respondent-Board may be directed to decide the issue in the case on hand, based on the said decision.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. It is seen that, based on the representation of the Petitioner-Association, the Respondent/Board has sought remarks of the Chief Engineer on 06.12.2010, as to the implementation of the recommendation of the One Man Commission for the Engineers of the Respondent/Board. However, pay revision has not been effected to the Engineers of the Respondent/Board. As it is represented that, the Apex Court has extensively dealt with the issue similar to the case on hand, this Court directs the Petitioner-Association to furnish a copy of the order passed by the Apex Court along with their representation to the Respondent/Board within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said decision, the Respondent/Board shall go through the same and pass appropriate orders in accordance with law, within a period of twelve weeks.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

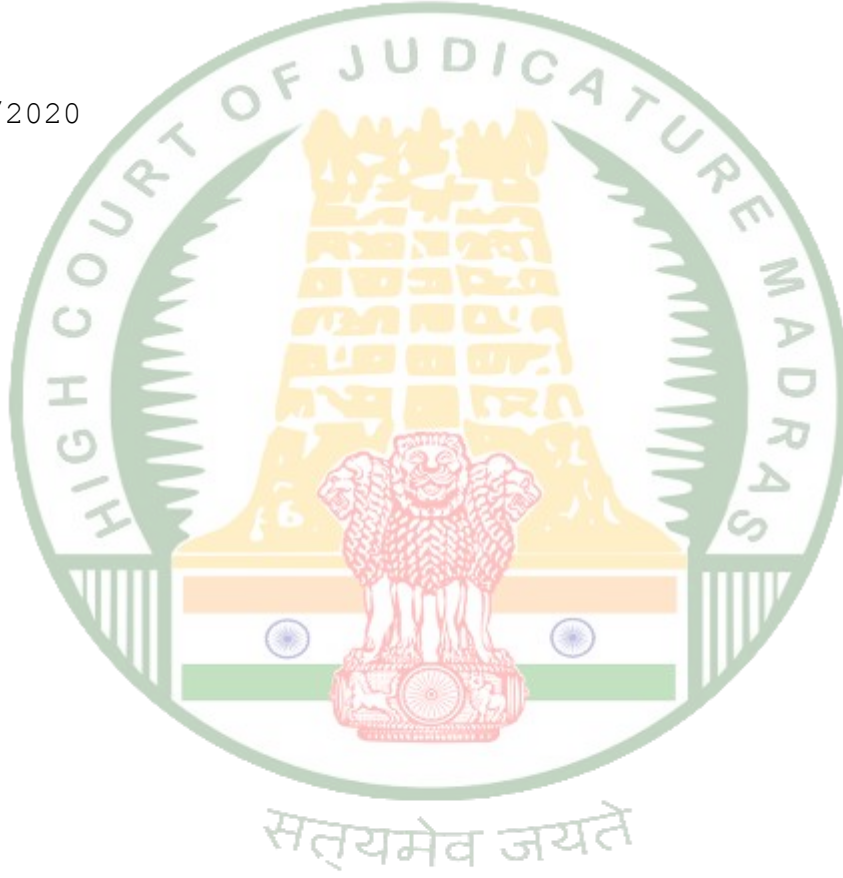
To:

The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.

+lcc to Mr.S.Prabhu, Advocate Sr.35582

W.P.No.8943 of 2013

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