



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) Nos.22786, 22787 & 22788 of 2015

and

M.P.(MD).Nos.1, 1 and 1 of 2015

WEB COPY

K.Selvarajan ... Petitioner in
W.P.(MD).No.22786/2015

S.R.Anjaneya Moorthy ... Petitioner in
W.P.(MD).No.22787/2015

A.Sahul Hameed ... Petitioner in
W.P.(MD).No.22788/2015

Vs.

1.The Managing Director,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai - 600 002.

2.The General Manager,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai - 600 002.

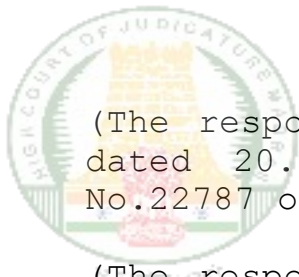
3.The Manager (Administration),
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai - 600 002.

4.The Principal Secretary to Government,
Finance Department,
Chennai - 600 002.

5.The Secretary to Government Tourism,
Culture and Religious Endowments Department,
Chennai - 600 009.

... Respondents in
all the writ petitions

(The respondents 4 and 5 are impleaded as per the order of this
dated 18.12.2019 in W.M.P.(MD).No.23289 of 2019 in W.P.(MD).
No.22786 of 2015)



(The respondents 4 and 5 are impleaded as per the order of this dated 20.12.2019 in W.M.P.(MD).No.23329 of 2019 in W.P.(MD).No.22787 of 2015)

(The respondents 4 and 5 are impleaded as per the order of this dated 18.12.2019 in W.M.P.(MD).No.23252 of 2019 in W.P.(MD).No.22788 of 2015)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned Government Order in G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015 passed by the 4th respondent herein and the consequential orders in Memo No.0978/A2/2013 dated 25.08.2015 passed by the 2nd respondent herein and the Memo No.0978/A2/2013 dated 24.11.2015 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant the revision of pay as per the Government Order in G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010 with arrears.

(Prayer in W.P.(MD).Nos.22786 and 22788 of 2015 is amended as per the order of this Court dated 18.12.2019, made in W.M.P.(MD).Nos. 23291 and 23325 of 2019)

(Prayer in W.P.(MD).No.22787 of 2015 is amended as per the order of this Court dated 20.12.2019, made in W.M.P.(MD).No.23335 of 2019)

For petitioner in all
the writ petitions

: Mr.K.Vamanan

For respondents 1 to 3
in all the writ petitions

: Mr.B.Saravanan

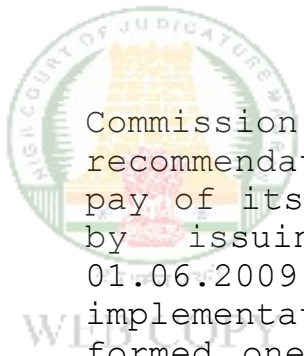
For respondents 4 & 5
in all the writ petitions

: Mr.D.Muruganantham
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed by the petitioners challenging G.O.Ms.No.200, dated 10.07.2015 and the consequential memos, and for a direction to revise the scale of pay of the petitioners as per G.O.Ms.No.338, dated 26.08.2010 with arrears.

2. The learned counsel for the petitioners submitted that the petitioners are working as Special Grade Plumbers in Tamil Nadu Tourism Development Corporation. The Government of India has revised the scale of pay of its employees based on the Sixth Pay



Commission recommendation from 01.01.2006. Based on the said recommendation, the Government of Tamil Nadu also revised of grade pay of its employees as well as its Public Sector units employees by issuing G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009. In order to rectify the discrepancies that arose in implementation of G.O.Ms.No.234, the Government of Tamil Nadu formed one Man Committee and based on the recommendation of the Committee, the Government of Tamil Nadu issued G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010 and it is applicable to all the unskilled and semi-skilled employees of the respondents / Corporation. The respondents / Corporation implemented the said G.O.Ms.No.338 in respect of all its wings, except Hotel Wing employees, like the petitioners.

3. The learned counsel for the petitioners would further submit that when the petitioners herein filed writ petitions in W.P.(MD).No.1967 to 1969 of 2015 respectively seeking a direction to implement the said G.O.Ms.No.338 to the employees of Hotel Wing, this Court, by order dated 18.06.2013, directed the respondents to consider the representation of the petitioners within a period of twelve weeks. The 2nd respondent by the impugned circular in Memo No.0978/A2/2013, dated 25.08.2015, informing that the request for grant of Grade Pay to Mechanics, Electricians and Plumber could not be considered as the Board had deferred the proposal of revision of Grade pay to Mechanics, as per the Government guidelines issued vide G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015 and the Board Resolution in its meeting held on 16.07.2015. Further, the 3rd respondent herein had issued the impugned consequential Memo No.0978/A2/2013, dated 24.11.2015, based on the 2nd respondent's direction. Challenging the said orders, the petitioners are before this Court.

4. The learned counsel for the petitioners would further submit that G.O.Ms.No.200, dated 10.07.2015, is dealing with only further revision of pay / Grade pay and it is not applicable to the petitioners' case, as the petitioners have not received even the original revision of pay as per G.O.Ms.No.338, dated 26.08.2010. The similarly placed persons working in Government Department and other State Government Undertaking Public Sector Units got the benefit of G.O.Ms.No.338. Therefore, the respondents cannot deny the revision of Grade Pay to the petitioners alone. Thus, he prayed to allow these writ petitions.

5. The learned counsel for the respondents in unison submitted that the request for grant of grade pay to Mechanics, Electricians and Plumper could not be considered, in view of the guidelines issued in G.O.Ms.No.200, dated 10.07.2015. Thus, they prayed to dismiss the writ petitions.



6. Heard the learned counsel for both sides and perused the records carefully.

7. When the matter came up for hearing today, it is brought to the notice of this Court that the 4th respondent herein itself has passed a Government Order in G.O.Ms.No.247, Finance (Pay Cell) Department, dated 26.07.2013, extending the benefit of Government Order in G.O.Ms.No.338, dated 26.08.2010 to the Electrician / Plumber working in State Guest House and granted revision of pay with arrears. It is seen that similarly placed persons working in Tamil Nadu Minerals Limited (TAMIN) had filed writ petition in W.P.(MD).No.10288 of 2014 (P.Periyasamy and three others v. the Secretary to Government and others) before this Court challenging the order of rejecting the claim of revision of pay. This Court, by order dated 08.02.2018, has held in paragraph Nos.4 to 6 as follows:

"4.Likewise, the Plumbers working in the State Guest House had their grievances unredressed. They therefore moved the Government for relief. Finding merit in their request, G.O.Ms.No.247, Finance (Pay Cell) Department, dated 22.07.2013 came to be issued. The TAMIN management failed to note the terms of G.O.Ms.No.338, dated 26.08.2010 and the subsequent letter dated 08.11.2010 issued by the Finance Department.

5.It is seen that categories who were originally left out were granted benefit of revision of their pay scales notionally with effect from 01.01.2006 and with monetary effect from 01.04.2013. The petitioners were admittedly sponsored by the employment exchange. Admittedly, they had put in more than 20 years of service. They were conferred Selection Grade on their completion of 10 years of service. There is no point in merely conferring selection grade if consequential pay scale revision is not given effect to.

6. Therefore, the order impugned in this writ petition is quashed. The respondents are directed to fix the petitioners pay scale in the selection grade as Rs.9300 - 34800 + 4200 notionally with effect from 01.01.2006 and with monetary effect from 01.04.2013. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is

closed."



8. The above decision was, subsequently, confirmed by a Division Bench of this Court in W.A.(MD).No.148 of 2019, by order dated 24.07.2019. In view of the above decisions and in view of G.O.Ms.No.247, dated 26.07.2013 in respect of similarly placed persons, the respondents cannot deny to extend the very same benefit to the petitioners.

9. In view of the above, the respondents are directed to notionally fix the petitioners pay scale in the selection grade with effect from 01.01.2006 and with monetary effect from 01.04.2013. The above said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. All the writ petitions stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Managing Director,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai - 600 002.
2. The General Manager,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai - 600 002.
3. The Manager (Administration),
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
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4.The Principal Secretary to Government,
Finance Department,
Chennai - 600 002.

5.The Secretary to Government Tourism,
Culture and Religious Endowments Department,
Chennai - 600 009.

+1 CC to M/s.SPL.GP (SR-6770[F] dated 18/02/2020)

+2 CC to M/s.B.SARAVANAN, Advocate (SR-6722[F] dated 18/02/2020,
SR-7138[F] dated 19/02/2020)

+3 CC to M/s.K.VAMANAN, Advocate (SR-7190[F] dated 19/02/2020)

COMMON ORDER IN
W.P. (MD) Nos.22786, 22787 &
22788 of 2015
20.02.2020

(CO)
TR(08.06.2020) 6P 12C