



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2020

CORAM

WEB COPY

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

W.P. (MD) No.6485 of 2015

and

M.P (MD) No.2 of 2015

- 1.A.Ravi
- 2.G.Mottayan
- 3.S.Mahendran
- 4.K.Mahadevan
- 5.P.Poongodi
- 6.M.Sekar
- 7.S.Krishnamoorthy
- 8.G.Sasikala
- 9.M.Krishnaveni
- 10.J.Kennedy Samuel
- 11.E.Martin Michael Vasanthan
- 12.R.Deisy Arul Mary
- 13.V.Subbulakshmi
- 14.M.Durairaj
- 15.B.Dhanasekaran
- 16.P.S.Manoharan
- 17.K.Periyasamy
- 18.R.Poongodi

...Petitioners

Vs.

- 1.The Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary to Government
Personnel & Admn. Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 3.The Secretary to Government
Environment & Forest Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.



4.The Chairman
Tamilnadu Pollution Control Board,
100, Anna Salai, Guindy,
Chennai - 600 032.

5.The Member Secretary
Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Guindy,
Chennai - 600 032.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents herein to fix the pay of the petitioners according to their qualification and experience on the basis of G.O. Ms. No. 541 dated 01.08.1992 issued in respect of Accounts Assistant in the Industries Department or on par with other Board or Government Servants with effect from 1991 onwards.

For Petitioners : Mr.K.Appadurai

For Respondents 1 to 3 : Mr.M.Mari Chelliah Prabhu
Government Advocate

For Respondents 4 & 5 : No Appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents to fix the pay of the writ petitioners, according to their qualification and experience on the basis of G.O.Ms.No.541, dated 01.08.1992 issued in respect of Accounts Assistant in the Industries Department or on par with other Board or Government services with effect from 1991 onwards.

2. The grievance of the writ petitioners are that the Government issued G.O.Ms.No.541, Finance Department, dated 01.08.1992. The said Government order was issued by the Government, pursuant to the recommendations of the Official committee, regarding the revision of scales of pay of certain categories in the Industries Department. However, the said order is not applicable, directly to the Tamil Nadu Pollution Control Board. The Tamil Nadu Pollution Control Board has to pass a resolution to confer such benefits, by following the procedures contemplated.

3.The revision of scales of pay issued in G.O.Ms.No.541 cannot be directly implemented as far as the Board employees are concerned, the Government order is not extended to the Pollution Control Board by the Government. This being the factum, the Board



has to take appropriate action in this regard, if the writ petitioners are otherwise qualified and eligible and on par with employees of other Board for revision of scale of pay in a particular cadre. However, the revision of pay being the policy decision to be taken. The Courts cannot be issued any direction based on the Government order, which is in applicable to the writ petitioners. Thus the writ petitioners have to approach the Competent Authority to redress their grievances, in the manner known to law.

4.With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rm
To

- 1.The Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary to Government
Personnel & Admn. Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 3.The Secretary to Government
Environment & Forest Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

+1 CC to SGP (SR-19616[F] dated 09/10/2020)

W.P.(MD) No.6485 of 2015
08.10.2020

SVN (CO)
NR (20/10/2020) 3P : 5C