



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.11910 of 2005

S.Packirisamy

... Petitioner

Vs.

1. The Tamilnadu Civil Supplies Corporation Limited,
Rep. by its Chairman-cum-Managing Director,
No.42, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2. The General Manager (Administration),
Tamilnadu Civil Supplies Corporation Limited,
No.42, Thambusamy Road, Kilpauk,
Chennai - 600 010.

3. The Senior Regional Manager,
Tanjore Region, Tanjore.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the second respondent relating to the impugned order dated 13.01.2005 bearing Ref.Rc.No.AE II/40335/2003 and quash the same and consequently direct the respondents to fix the scale of pay of the petitioner in the time scale of pay of Rs.8000-275-13500 with effect from 13.05.1996 and pay all the arrears to the petitioner with interest at the rate of 12% per annum.

For Petitioner : M/s.Bharathachakravarthi

For Respondents : Mr.Arun Dattan

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the second respondent relating to the impugned order dated 13.01.2005 bearing Ref.Rc.No.AE II/40335/2003 and quash the same and consequently, direct the respondents to fix the scale of pay of the petitioner in the time scale of pay of Rs.8000-275-13500 with effect from 13.05.1996 and pay all the arrears to the petitioner with interest at the rate of 12% per annum.

2. The petitioner was appointed as Service Engineer under



the respondents. According to the petitioner, the pay scale of Service Engineer and Shift Engineer was fixed at Rs.1400-2600 with effect from 01.06.1988 by the V Pay Commission. When this scale of pay was revised by the VI Pay Commission, there is a disparity. It was fixed at Rs.6500-10500 to the Service Engineer and Rs.8000-13500 to the Shift Engineer. Aggrieved over the same, the petitioner has approached this Court for parity of pay scale.

3. The respondents filed a counter affidavit stating that even though the pay scale was fixed at Rs.1400-2600 for both Service Engineer and Shift Engineer with effect from 01.06.1988 as per the V Pay Commission, subsequently, the scale of pay for the post of Shift Engineer was revised and fixed at Rs.1600-2600 with effect from 01.06.1988 with actual monetary benefits from 20.02.1991 as per H.O.Circular F2/12936/90, dated 20.03.1991. Therefore, the petitioner cannot compare himself with the Shift Engineer, whose salary was revised by the V Pay Commission at Rs.1600-2600. The petitioner has not challenged the revision nor asked for upgradation of his pay scale on par with the Shift Engineer as fixed by the V Pay Commission. While the pre-revised scale of Rs.1400-2600 was revised by the VI Pay Commission as Rs.6500-10500, the pre-revised scale of Shift Engineer was revised from Rs.1600-2600 to Rs.8000-13500 by the VI Pay Commission. Therefore, the Service Engineer and the Shift Engineer are not on the same platform. Hence, the petitioner cannot claim revision of pay scale on par with the Shift Engineer.

4. On perusal of the impugned order, the position is made very clear. If at all, the petitioner had any grievance, he should have agitated the pay fixation made by the V Pay Commission and he could have challenged the Head Office Circular F2/12936/90, dated 20.03.1991 and asked for pay parity on par with the Shift Engineer. Now that, the VI Pay Commission has fixed the salary on the basis of the pre-revised pay scale fixed by the V Pay Commission, there cannot be a question at this distance of time. Therefore, the claim of the petitioner cannot be entertained and he can only approach the Expert Body for fixing the pay scale.

5. The Writ Petition cannot be entertained and accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



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To

1. The Chairman-cum-Managing Director,
Tamilnadu Civil Supplies Corporation Limited,
No.42, Thambusamy Road, Kilpauk,
Chennai - 600 010.
2. The General Manager (Administration),
Tamilnadu Civil Supplies Corporation Limited,
No.42, Thambusamy Road, Kilpauk,
Chennai - 600 010.
3. The Senior Regional Manager,
Tanjore Region, Tanjore.

+lcc to M/s.T.Saikrishnan, Advocate, S.R.No.33744

W.P.No.11910 of 2005

SJ(CO)
SB(17/08/2021)