

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.21885 of 2010

P.Nagarajan

... Petitioner

-Vs-

1.The Sstate of Tamil Nadu rep.by
Secretary to Government
Industries Department,
Fort St.George, Chennai 600 009.

2.The Commissioner of Sugar
690, Anna Salai, Nandanam
Chennai 600 035.

3.The Administrator
The Chengalrayan Cooperative Sugar
Mills Limited, Periyasevalai - 607 209
Villupuram District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to revise the Scale of Pay on par with the Scale of Pay of the the erstwhile Supervisory C Category employees to the petitioner by notionally fixing the same from the date on which the other erstwhile Supervisory C Category employees were given the benefit of pay Revision of Government Scale with all arrears forthwith in terms of the representation dt.23.12.09 25.3.10 and 12.5.10 with forwarding remarks made by the 3rd respondent to the 2nd respondent based upon the orders passed by the Honourable High Court Madras in Writ Appeal No.1089 and 4074 of 2004 dt.12.7.2007 and orders passed by this Honourable Court in the batch of Writ Petitions passed in W.P.Nos.25895 to 25905, 27947 to 27972, 28827 to 28852, 26216 to 26220 of 2008, 2270 to 2287, 9452 to 9569 and 17126 to 17166 of 2009 dated 02.09.2009.

For Petitioner :Mr.R.Natarajan

For Respondents:Mrs.K.Bhuvaneswari,
Additional Government Pleader for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader for RR 2 & 3

O R D E R

The prayer sought for herein is to direct the respondents herein to revise the Scale of Pay on par with the Scale of Pay of the erstwhile Supervisory C Category employees to the petitioner by notionally fixing the same from the date on which the other erstwhile Supervisory C Category employees were given the benefit of pay Revision of Government Scale with all arrears forthwith in terms of the representation dt.23.12.09 25.3.10 and 12.5.10 with forwarding remarks made by the 3rd respondent to the 2nd respondent based upon the orders passed by the Honourable High Court Madras in Writ Appeal No.1089 and 4074 of 2004 dt.12.7.2007 and orders passed by this Honourable Court in the batch of Writ Petitions passed in W.P.Nos.25895 to 25905, 27947 to 27972, 28827 to 28852, 26216 to 26220 of 2008, 2270 to 2287, 9452 to 9569 and 17126 to 17166 of 2009 dated 02.09.2009.

2. At the time of filing this writ petition, the petitioner was working as Junior Engineer, Electrical Supervisor 'C' Category. In this regard, it is the case of the petitioner that, even though the petitioner was one among the employees of the third respondent Cooperative Sugar Mill, and by virtue of the power conferred with the Government ie., the first respondent, under the provisions of the Tamil Nadu Cooperative Societies Act, certain categories of employees who were working in various Cooperative Sugar Mills have been brought under common category ie., State Cadre and the pay scale of those employees have been revised especially the employees who were working in supervisory 'C' category, his case was not considered for such pay revision.

3. It is the further case of the petitioner that, most of the 'C' category employees were brought under the revised time scale of pay. Therefore, the petitioner in this regard has given representations on 23.12.2009, 25.03.2010 and 29.03.2010. On 29.03.2010, the third respondent forwarded the representation to the second respondent. Since nothing was forthcoming from the respondents especially the first and second respondents, the petitioner has also sent a reminder on 12.05.2010. However, nothing has yielded any desired result and therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

4. I have heard the learned counsel for the petitioner, who would submit that, as per the power conferred on the first respondent, certain employees who were working in various Sugar Mills including the third respondent Mill had been brought under State Cadre and by virtue of that, their scale of pay has been revised. However, such a gesture has not been shown to the

petitioner and the said benefit has not been extended to the petitioner, though he is eligible to get such revision of pay.

5. In this regard, though he has given representations and a reminder also sent, and on one occasion, the third respondent in fact forwarded the representation to the second respondent, who is the authority to decide the same, nothing has come from the respondents especially the second respondent and therefore, even though the petitioner subsequently retired from service on attaining superannuation on 30.05.2014, certainly the petitioner would be entitled to get the revised pay scale and accordingly his retiral and other benefits also should have been revised and paid to him. Seeking such relief, the present writ petition has been filed and therefore, the learned counsel for the petitioner seeks the indulgence of this Court.

6. Heard Mr.R.Natarajan, learned counsel for the petitioner, Ms.K.Bhuvaneswari, learned Additional Government Pleader for the first respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the second and third respondents.

7. Learned Government counsel for the respondents would submit that, whether the petitioner would be entitled to get the relief as claimed in his representations, is to be considered by the second respondent and therefore, in this context, if the said representations are not disposed of earlier, the same would be considered in accordance with law within a time frame that may be stipulated by this Court.

8. I have considered the said submissions made by the learned counsel on both sides and have perused the materials placed on record.

9. Since the petitioner claims that, he would also be entitled to get pay revision in view of the decision already taken by the first respondent to bring the Supervisory 'C' category employees in the Cooperative Sugar Mills under the common cadre and in this aspect, whether the plea raised by the petitioner can accepted and considered on merits and accordance with law, for which the representation also has been forwarded by the third respondent as indicated above, this Court feels that the writ petition can be disposed of by passing the following order.

10. That the respondents especially the second respondent is hereby directed to consider the representation dated 23.12.2009, 25.03.2010 as well as the reminder dated 12.05.2010 and also the forwarding letter of the third respondent dated 29.03.2010 with regard to the revision claimed by the petitioner and decide the same on merits and in accordance with law and an order to that

effect shall be passed and intimated to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall forward a copy of the representations along with a copy of this order and immediately on receipt of the same, the needful as indicated above shall be undertaken by the respondents especially the second respondent.

11. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

1.The Secretary to Government
State of Tamil Nadu
Industries Department,
Fort St.George, Chennai 600 009.

2.The Commissioner of Sugar
690, Anna Salai, Nandanam
Chennai 600 035.

3.The Administrator
The Chengalrayan Cooperative Sugar
Mills Limited, Periyasevalai - 607 209
Villupuram District.

+1 cc to Spl. Government Pleader Sr No.10446& 10304

+2 cc to Mr.R.Natarajan,Advocate Sr No.10375

W.P.No.21885 of 2010

PMK (CO)
RG.28.04.2021 (4P/7C)