

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8296 of 2021
and WMP.No.8836 of 2021

1. D. Balaraman
2. C. Ayyasamy
3. S. Pichaiah

... Petitioners

Vs

1. The Secretary
Tourism, Culture & Religious Endowment Department,
Fort St.George,
Chennai 600 009.

2. The Commissioner/Director of Museum
Government Museum,
Egmore, Chennai - 600 008.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to pay the Revised Scale of pay to all the petitioners herein, as per the VI pay commission recommendation, with effect from 01.09.1998 with interest at the rate of 15% of an interest for the belated payment of arrears by considering their joint representation dated 15.02.2021.

For Petitioner : Mr.P.Arivudai Nambi
For Respondents : Mr.J.Pothiraj
Special Govt.Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to pay the Revised Scale of pay to all the petitioners herein, as per the VI pay commission recommendation, with effect from 01.09.1998 with interest at the rate of 15% of an interest for the belated payment of arrears by considering their joint representation dated 15.02.2021.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that they are all Taxidermist (Gr.I & II) and they are working at the Government Museum, Egmore. All the petitioners works are arduous and strenuous in nature and all are involving themselves in preserving the animals by stuffing and mounting. They are preserving very many types of birds, reptiles and animals, numbering around 7000 in wet and dry condition, by using various chemicals. Though the similar nature of work and responsibilities are given to the Central Government Museum Staffs, working in Zoological Survey of India, they have been paid higher scale of pay and whereas the petitioners are paid lesser pay. However the nature of duties and responsibilities are one and the same. Thereafter, pursuant to the representation made by the petitioners to their Employees Union, the Union in-turn made a representation to the one Man Commission.

3. By considering the genuine reasons of the petitioners the One Man Commission has recommended the Revised Scale of Pay in paragraph Nos.259 & 260 of their report, containing in the One Man Commission Report (1998). The Commission has recommended that the qualification for the future recruitment to the post of Taxidermist should be improved to pass in X Standard (S.S.L.C) along with all other qualification prescribed in the existing approved ad-hoc rules for the posts. Despite, the clear recommendation of the One Man Commission for the Revision of Scale of Pay to the petitioners category w.e.f. 01.09.1998, the Government has not paid, despite the series of recommendations received from the second respondent, pursuant to the petitioners representation. Finally, the petitioners made a representation on 15.02.2021 and the same had been served on the 1st and 2nd respondents on 19.02.2021. Even thereafter, the Government has not looked into the petitioners genuine grievance. Hence the petitioners have filed the present writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioners representation is already pending with the respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioners dated 15.02.2021 if the petitioners are found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 15.02.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioners, later on, will not take a plea that the petitioners are not aware of the order. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Secretary

Tourism, Culture & Religious Endowment Department,
Fort St.George, Chennai 600 009.

2. The Commissioner/Director of Museum

Government Museum, Egmore, Chennai - 600 008.

+1cc to Mr.P.Arivudai Nambi, Advocate SR.No. 1134

+1 cc to Government Pleader Sr.No. 21459

W.P.No.8296 of 2021 and WMP.No.8836 of 2021

NRL CO

A.SK(10.06.2021)