

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7009 of 2015

P.Manoharan

...Petitioner

Vs

1.The Director of Tamil Nadu
Motor Vehicles Maintenance Department,
Velacherry, Chennai - 600 042.

2.The Deputy Director,
Tamil Nadu Motor Vehicles Maintenance Department,
Salem - 636 007.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the claim of the petitioner and to pass appropriate orders so as to enable the petitioner to draw the revised scale of pay of Rs.9300-34800+GP 4200+3%+3% with notional effect from 01.01.2006 and the monetary benefit from 01.01.2007 so as to draw atleast equal pay to that of the pay drawn by far juniors appointed to the same category of entry level trade post and to grant consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.J.Ramesh, AGP

ORDER

The relief sought for in this writ petition is to direct the first respondent to consider the claim of the petitioner and pass appropriate orders so as to enable him to draw the revised scale of pay of Rs.9300-34800+GP 4200+3%+3% notionally with effect from 01.01.2006 and monetary benefit from 01.01.2007 so as to draw atleast equal pay to that of the pay drawn by his juniors appointed to the same category of entry level trade post and grant consequential benefits.

2.It is the case of the petitioner that he was initially appointed as Welder Grade II on 21.01.1991 in the Government Automobile Workshop, Dharmapuri, in the scale of pay of Rs.825-15-900-20-1200 and he was granted selection grade with effect from 01.02.2001 in the scale of pay of Rs.4000-100-6000. Similarly, one Kalyanasundaram joined the post of Tinker on 15.06.1996, which post is the same category of Entry level trade posts and he was awarded selection grade on 15.01.2006 in the scale of pay of Rs.4000-100-6000. Consequent to the implementation of VI Pay Commission recommendations in G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009, both the petitioner and the said Kalyanasundaram were granted revised pay of Rs.5200-20200+ Grade pay of Rs.2400/- with effect from 01.01.2006 notionally with monetary benefit from 01.04.2013. However, as per the Government Letter No.63305/PC/2010-1 Finance (PC) Department, dated 08.11.2010, the second respondent revised the pay of the said Kalyanasundaram, selection grade Tinker, with effect from 01.01.2006 with monetary benefit from 01.04.2013 in the scale of Rs.9300-34800+GP Rs.4200/-, but the said benefit was not granted to the petitioner. Seeking to rectify the said pay disparity, the petitioner made a representation dated 08.12.2014 to the first respondent, which was not considered, till date. Hence, this writ petition.

3.Upon notice, the respondents filed a detailed counter affidavit, wherein, in para 12, it has been stated as follows:

"12.It is submitted that for the posts having Grade-I and II, the persons working in Grade-I are eligible for the next promotion to the post of Maistry. The petitioner was initially appointed as Welder Grade-II and subsequently promoted as Welder Grade-I based on the adhoc rules. In respect of Welder Trade, there are two grades (i.e.) Welder Grade-II and Welder Grade-I. but in the case of Tinker there is no grade. Hence, the petitioner's claim of comparing pay of Tinker is incorrect."

4.The aforesaid averment made in the counter affidavit filed by the respondent authorities, has been stoutly refuted by the learned counsel for the petitioner. He submitted that G.O.Ms.No.498 dated 16.05.1989, 15 categories of Entry Level Trade posts were provided, in which, the post of welder was mentioned at Sl.No.10 and there was no grade mentioned i.e., Welder Grade II or Welder Grade I; since the petitioner acquired the qualification of SSLC and ITI, he ought to have been considered as appointment to the post of Welder Grade-I or to the post of Welder, and to treat the post of Maistry as his first promotional post and he should be granted the grade pay of

Rs.4600/- and as such, his scale of pay shall have to be on par with the said Kalyanasundaram of Rs.9300-34800+GP 4200. Stating so, the learned counsel prayed for appropriate direction to the respondent authorities to rectify the pay disparity and grant the scale of pay of Rs.9300-34800+GP Rs.4200 +3% +3% to the petitioner as was given to his junior Kalyanasundaram, by considering his representation dated 08.12.2014.

5.In reply, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondent authorities would consider the claim of the petitioner and pass orders, on merits, within a time frame to be stipulated by this Court.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the representation of the petitioner dated 08.12.2014 and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mtl

To

1.The Director of Tamil Nadu
Motor Vehicles Maintenance Department,
Velacherry, Chennai - 600 042.

2.The Deputy Director,
Tamil Nadu Motor Vehicles Maintenance Department,
Salem - 636 007.

+1 CC to The Government Pleader sr 14834.

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VBM(CO)
SP(01/07/2021)