

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.42248 of 2016

C.Devaraj

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy,
Chennai - 600 032.

2.The Member - Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy,
Chennai - 600 032.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-fix the petitioner's pay in the selection and special grade scales of pay adopting the scale of Rs.5000 - 150 - 8000 and Rs.5500 - 175 - 9000 and pay him the arrears and revise his pension and other retirement benefits and pay the consequential arrears to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.J.Ramesh for R1 and R2
Additional Government Pleader

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O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to re-fix his pay in the selection and special grade scales of pay and to pay him the arrears and to revise his pension and other retirement benefits and to pay the consequential arrears.

2.The case of the petitioner is that he was appointed as Field Assistant during 1987 and was awarded selection grade during 1997 and special grade during 2007 and he retired on 31.01.2013. The petitioner along with 36 others filed W.P.No.11483 of 2012 before this Court seeking direction to the respondents to revise the ordinary grade scale of pay and to grant consequential selection grade and special grade scale of pay as provided under Schedule II of the Tamil Nadu Revised Scale of Pay Act, 1998 as ordered by the Government in G.O.Ms.No.162, Finance Department, dated 13.04.1998. This Court vide order dated 04.06.2012 allowed the said writ petition and directed the respondents to refix the pay of the petitioners therein in selection and special grade scales of pay as per G.O.Ms.No.162, Finance Department, dated 13.04.1998, with all consequential benefits. Pursuant to the said order, all the others, except the petitioner herein were paid the said scale of pay and arrears.

3.It is the further case of the petitioner that his scale of pay was not revised since he was facing disciplinary proceedings since 2007. After enquiry, vide proceedings of the first respondent dated 17.10.2014, the charges framed against the petitioner were dropped. Thereafter, the petitioner made representation dated 27.11.2015 to the respondents seeking to revise his scale of pay as per the order passed in W.P.No.11483 of 2012, however, till date no order in his favour was passed. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that though the petitioner has filed this writ petition seeking a larger relief, it would suffice, if this Court issues direction to the respondents to dispose of the petitioner's representation dated 27.11.2015 in the light of the order of this Court dated 04.06.2012 passed in W.P.No.11483 of 2012 and the proceedings of the first respondent dated 17.10.2014, for which, the learned Additional Government Pleader appearing for the respondents raised no serious objection.

5.In view of the above, this Court directs the respondents to consider the petitioner's representation dated 27.11.2015 in the light of the order of this Court dated 04.06.2012 passed in W.P.No.11483 of 2012 and the proceedings of the first respondent dated 17.10.2014 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy,
Chennai - 600 032.

2.The Member - Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
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+1cc to M/s.P.Rajendran, Advocate Sr.15307
+1cc to the Government Pleader Sr.15417

W.P.No.42248 of 2016

ad[co]
srg 06/07/2021

सत्यमेव जयते

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