



W.P.(MD)No.20382 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2022**

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.20382 of 2015

S.Balakrishnan

... Petitioner

vs.

The Managing Director,
The Tamil Nadu Cements Corporation Limited,
735, Anna Salai,
LLA Buildings, Chennai – 600 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, calling for the records relating to the impugned proceedings bearing No.1909/PR/PL-1/09 dated, 15.05.2015 passed by the respondent and consequently direct the respondent to re-fix the petitioners Pay Scale as 8000-13500 with Rs.5400 Grade Pay, from 11.02.2006 by protecting the last drawn pay of the petitioner as per G.O.Ms.No.234 and his proceeding bearing RC No.4209/A1/2009-1 dated 21.08.2009.

For Petitioner : Mr.Gnanagurunathan

For Respondent : M/s.S.Venkatesh



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ORDER

This Writ Petition has been filed for issuance of ***Certiorarified Mandamus***, to quash impugned proceedings bearing No.1909/PR/PL-1/09 dated, 15.05.2015 passed by the respondent and also sought for a consequential direction to the respondent to re-fix the petitioners Pay Scale as 8000-13500 with Rs.5400 Grade Pay, from 11.02.2006 by protecting the last drawn pay of the petitioner as per G.O.Ms.No.234 and his proceeding bearing RC No.4209/A1/2009-1 dated 21.08.2009.

2. Heard Mr.Gnanagurunathan, learned counsel appearing for the petitioner and M/s.S.Venkatesh, learned counsel appearing for the respondent. Perused the material documents available on record.

3. The learned counsel appearing for the petitioner submitted that the respondent had filed counter and referred to a circular issued in Letter No. 34124(Pay Cell)/2009-1, dated 26.06.2009, wherein it is stated that “***the employees who have moved to Selection Grade/Special Grade on or after 01.01.2006 shall be eligible for one increment at the rate of 3% of basic pay***”



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plus Grade Pay in their scale of pay and such of those employees shall continue in the same pay band without any change in the Grade pay". Eventhough the impugned order has not referred to the said circular, the petitioner relied on the counter and prayed to grant the benefits stated in the circular. According to the counter itself, the petitioner is eligible as per circular. Therefore, this Court is of the considered opinion that the respondent ought to reconsider the matter as per the circular.

4. The learned counsel appearing for the petitioner submitted that the petitioner has served 35 years of service and has suffered heart ailments. The relevant portion is extracted hereunder:

" I had served about 35 years in TANCEM and had rendered the service sincerely upto the retirement on 30.11.2009. I humbly feel proud that I had been instrumental in earning the CENVAT/SERVICE TAX reimbursements from Central Excise Department running to 2-3 crores per year by attending PHs at the Offices of AC/JC. Central Excise Department and particularly in my last year of service, Rs.5,00,00,000/-,by winning the CESTAT/Chennai (Central Excise & Service Tax



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Appellate Tribunal) case representing TANCEM along with High Court Advocate Mr.Murugappan, to the advantage of TANCEM, apart from my other financial functions.

I am a retired employee of TANCEM and anticipate the redressal of my above (two) grievances as-early-as possible since I have already attained the age of 63 and had major surgeries for Heart (Bye-pass) & Kidney for Stone Removal, after retirement, incurring heavy expenditure. I humbly beseech the O/o. The Managing Director to kindly consider that my above two grievances, are redressed, for which I would be grateful to TANCEM, as ever”.

5. Considering the facts and circumstances, this matter is remitted back to the respondent. The respondent is directed to consider the case of the petitioner in the light of the circular stated supra and pass an order, within a period of eight weeks from the date of receipt of a copy of the order. No Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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Order made in
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