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W.P.No.12641 of 2013

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12641 of 2013

S.Xavier

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Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Finance (CMPC) Department,
Chennai – 9.

2. The Secretary to Government,
Home Department, Chennai – 600 009.

3. The Addl. Director General of Police,
Armed Police,
Kilpauk, Chennai – 600 010.

4. The Works Manager,
Police Transport Workshop-cum-
Training School, T S P Camp,
Avadi, Chennai – 54.

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Respondents.

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for records relating to the 4th respondent's proceedings in R.C.No.B1/1385/2012 dated 08.08.2012 and quash the same and direct the respondent to revise the pay scale of the petitioner from the date of



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initial appointment pursuant to G.O.Ms.No.762 Finance (PC) Department dated 20.08.1986 and pay the entire arrears of pay with interest.

For Petitioner : Mr.M.Muthappan
For R1 to R3 : Ms.Akhila Rajendran
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 08.08.2012 passed in R.C.No.B1/1385/2012 by the fourth respondent, thereby rejected the request made by the petitioner to revise his scale of pay from the date of initial appointment in pursuant to the G.O.Ms.No.762, Finance (PC) Department, dated 20.08.1986.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

3. Initially, the petitioner was appointed as Electrician Grade-II by direct recruitment in the Police Transport Work Shop-cum-Training School on 09.09.1988, as per G.O.Ms.No.1111, Home (Pol X III) Department, dated 04.05.1985. The qualification for the post of Electrician Grade-II was that the candidate must have put in not less than



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three years of service as Helper and must have passed an efficiency test conducted by the Automobile Engineer or Technical Assistant of Police Transport Workshop-cum-Training School, Avadi. He must have possessed a certificate of Industrial Training Institute and National Trade Certificate in the trade of Auto Electrician or Wireman issued by the National Council for Training and Vocational Trades, Government of India.

4. As per G.O.Ms.No.762, dated 20.08.1986, those who possessed SSLC and Industrial Training Institute certificate were fixed with salary at Rs.610/- and those who failed SSLC and Industrial Training Institute Certificate were fixed at Rs.555/-. The petitioner herein had passed SSLC. Subsequently, G.O.Ms.No.731 dated 29.08.1994 was issued consequent on the merger of Helper as Fitter Grade-II. There is no post of Helper. Therefore, the posts of Electrician Grade-II, Batteryman and Bench Fitter Grade-II should be considered as an entry level posts and not a promotion post. Therefore, the request made by the petitioner was rejected, since the entry level posts in all other departments have been placed in the pre-revised scale of pay of



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Rs.950-1500 with effect from 01.06.1988. Therefore, the scale of pay of Rs.950-1500 ordered to the post held by the petitioner with effect from 01.06.1988 in accordance with the qualification and job responsibilities.

5. That apart, the promotional chances to the post of Electrician Grade-I from the post of Electrician Grade-II is available in the adhoc rules and the petitioner came under the purview of promotion from the Electrician Grade-II to Electrician Grade-I during the promotion panel 2009-2010 and his name was recommended for inclusion in the panel and promotion to the post of Electrician Grade-I was ordered by the Inspector General of Police, Armed Police, Chennai, by the proceedings dated 22.07.2010. The scale of Electrician Grade-II was Rs.950-1500 and the scale of Electrician Grade-I was Rs.1100-1660. However, the petitioner relinquished his promotion. Moreover, the post of Electrician Grade-II cannot be upgraded as Electrician Grade-I even though he is possessing the qualification one and the same as the trade post of Electrician Grade-II. Therefore, the petitioner also challenged the G.O.Ms.No.731, Finance (Pay Cell) Department, dated 29.08.1994 before this Court in W.P.No.26242 of 2012 and thereby sought for prayer



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to re-designate the post of Electrician Grade-II to Electrician Grade-I and to revise the scale of pay and grant monetary benefits on par with other categories.

6. Therefore, the request made by the petitioner was rightly rejected and this Court finds no infirmity or illegality in the order dated 08.08.2012 passed in R.C.No.B1/1385/2012 by the fourth respondent. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. It is made clear that if the petitioner succeeds in W.P.No.26242 of 2012 he will be entitled for all benefits. There shall be no order as to costs.

24.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To



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G.K.ILANTHIRAIYAN, J.



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