



WP.No.22666 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.22666 of 2011

and

M.P.No.1 of 2011

- 1.N.M.Krishnamoorthy
- 2.K.Seenuvasan
- 3.M.Vaitheeswaran
- 4.R.Ganesan
- 5.N.Pugazhenth
- 6.P.Jothimani
- 7.R.Murugan
- 8.K.Rajendran
- 9.T.R.Srinivasa Moorthy
- 10.K.G.Shekar
- 11.L.Kumar
- 12.N.Chandrasekaran
- 13.M.Lalithamani
- 14.R.Manonmani
- 15.S.Bhuvaneswari
- 16.V.R.Mallikai
- 17.S.K.Suganth
- 18.T.M.Menaka Dhinakar
- 19.S.Jegatha
- 20.P.Gurusamy
- 21.M.K.Palanisamy
- 22.M.S.Mohamed Shareef
- 23.P.Suresh Kumar
- 24.M.Srinivasa Raghavan
- 25.S.Perinbam
- 26.S.Palanisamy
- 27.S.Ashok Kumar



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28.S.Robert Clive
29.M.Nileshwar
30.G.Ravichandran
31.M.Shanthi
32.M.Selvaraj
33.L.Ravichandiran
34.I.Nakkeeran
35.M.Vennila
36.R.Amutha

.... Petitioners

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Finance Department,
Fort St.George, Chennai – 600 009.

2. The Commissioner of Municipal
Administration,
Chepauk, Chennai – 600 005.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to grant the scales of pay to the Assistant Engineers and Assistant Executive Engineers of Tamil Nadu Municipal Engineering Service with effect from 01.01.2006 notionally and monetarily with effect from 01.08.2010 on par with that of the Assistant Engineers and Assistant Executive Engineers of Public Works Department as ordered in G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010 based on the recommendation of the One Man Commission.

For Petitioner	:	Mr.N.Subramaniyan
For Respondents	:	Dr.T.Seenivasan Special Government Pleader



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ORDER

This Writ Petition has been filed for direction directing the respondents to grant the scales of pay to the Assistant Engineers and Assistant Executive Engineers of Tamil Nadu Municipal Engineering Service with effect from 01.01.2006 notionally and monetarily with effect from 01.08.2010 on par with that of the Assistant Engineers and Assistant Executive Engineers of Public Works Department as ordered in G.O.Ms.No.312, Finance (Pay Cell) Department, dated 26.08.2010 based on the recommendation of the One Man Commission.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were working as Assistant Engineers and Assistant Executive Engineers in Tamil Nadu Municipal Engineering Service under the control of the second respondent. The engineering activities under the control of Municipalities were initially attended by engineers of TWAD Board, Public Works Department and Highways Department by drawing them on transfer of service basis. Subsequently, an engineering wing was formed exclusively for municipal works and



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Tamil Nadu Municipal Engineering Service, as per G.O.Ms.No.1021, dated 05.12.1988. Therefore, the petitioners are also entitled for the pay scales like engineers of Tamil Nadu Municipal Engineering Service are being paid on par with the engineers of Public Works Department.

4. Therefore, the petitioners made representation to the Government to revise the pay scale of engineers of State pointing out various anomalies. Pursuant to the representation, the Government have constituted an One Man Commission to enquire the grievances. In the meeting, the Commission recommended considering the request made by various Association and it was accepted by the Government and passed G.O.Ms.No.312, dated 26.08.2010, in respect of Public Works Department and similar orders were passed for other Engineering Departments like Highways Department, Inspector of Factories, Chennai Corporations, etc.

5. In the meanwhile, when the Government is about to pass orders extending the recommendation of the One Man Commission to the petitioners like engineers of Tamil Nadu Municipal Engineering Services, the Block Development Officers, Thasildars and others have stated



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agitations on the eve of assembly elections forcing the first respondent not to grant higher pay scales for engineers. The Government, without examining the issue and without hearing the engineers, passed G.O.Ms.No.71, Finance Department, dated 26.02.2011. As per G.O.Ms.No.71, the pay scales initially granted to the engineers were revised. Therefore, the said G.O.Ms.No.71 was challenged before this Court and this Court initially stayed the operation of the said G.O. Even then the respondents failed to implement the G.O.Ms.No.312, dated 26.08.2010 so far.

6. A perusal of the counter filed by the respondents revealed that after G.O.Ms.No.71, dated 26.02.2011, in respect of the level of promotional posts of Assistant Engineers viz., Assistant Executive Engineer / Executive Engineer, a Committee recommended to place the Block Development Officers / Tahsildars, Inspector of Police and Forest Rangers also in Pay Band-II instead of Pay Band-III. Accordingly, G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 was passed by the Government. Both G.Os were challenged before this Court in batch of Writ Petitions. The Hon'ble Division Bench of this Court, in a batch of Writ Appeals and Writ Petitions, directed implementation of



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G.O.Ms.No.71, dated 26.02.2011 and G.O.Ms.No.242, dated 22.07.2013, in so far as it affects any category of Government Servants / Pensioners / Family Pensioners, which are not implemented as on today shall not be implemented till fresh decision is taken. It was challenged by the petitioners before the Hon'ble Supreme Court of India in a batch of Special Leave Petitions. The Hon'ble Supreme Court of India, by an order dated 16.01.2015, granted stay of operation of the order passed by the Hon'ble Division Bench of this Court and directed to set up the Grievances Redressal Committee and the SLPs are still pending.

7. Insofar as the petitioners are concerned, the new recruits and the scale of pay of the Assistant Engineer in Municipal Administration Department has already been revised. That apart, the implementation of G.O.Ms.No.71, dated 26.02.2011 and G.O.Ms.No.242, dated 22.07.2013 are kept in abeyance. Therefore, the petitioners cannot seek any claim and the benefits under G.O.Ms.No.312, dated 26.08.2010. Therefore, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and is liable to be dismissed.



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8. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index:Yes/No

Internet:Yes/No

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Fort St.George, Chennai – 600 009.

2. The Commissioner of Municipal
Administration,
Chepauk, Chennai – 600 005.



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G.K.ILANTHIRAIYAN,J.

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