



WEB COPY



W.P.No.7173

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.7173 of 2010

1.S.Muniasamy
2.E.Muthuramalingam
3.G.Thottaisamy
4.N.Ramasamy
5.R.Ganesan

...Petitioners

Vs.

State of Tamil Nadu
rep. by Secretary,
Environment and Forests (FR2) Department,
Fort St.George,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order in G.O.Ms.No.95 Environment and Forests (FR2) Department, dated 07.08.2009 fixing monthly scale of pay to the Plot Watchers as Rs.2500-5000 alone passed by the respondent herein and quash the same and further direct the respondent to pay regular Plot Watcher time scale of pay to the petitioners as Rs.4800-8200 from 07.08.2009 with all arrears.



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For Petitioners : Mr.K.M.Ramesh, Senior Counsel
for Mr.V.Subramani

For Respondent : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The Writ Petitioners were originally appointed as Plot Watchers and after a long struggle their services were sought to be regularized by G.O.Ms.No.95 Environment and Forests (FR2) Department, dated 07.08.2009.

2.Learned counsel appearing for the petitioners would submit that the grievance of the petitioners are that while fixing the time scale of pay at Rs.2500-5000+GP 500, similar Plot Watchers who were regularized earlier and their scale of pay was fixed at Rs.4800- 8200.

3.The Government had taken a Policy Decision to regularize these petitioners under a particular pay scale. If they are aggrieved, they ought to have approached the Government seeking a higher pay scale. No such representations had been produced before the Government to appreciate their request. Further, the prayer of the Writ Petitioners is to set aside a Policy Decision taken by the Government in fixing a time scale of pay and to fix an higher scale of pay which this Court exercising power under Article 226 cannot also do.



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4. In such circumstances, the Writ Petition is disposed of with liberty to the petitioners to make appropriate representations to the respondents within a period of four weeks from today and on receipt of such representations, the respondents shall dispose of the same on merits within a period of eight weeks thereafter. There shall be no order as to costs.

29.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
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To
The Secretary,
State of Tamil Nadu,
Environment and Forests (FR2) Department,
Fort St. George,
Chennai.



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K.KUMARESH BABU, J.

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