



W.P.No.6653 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.6653 of 2013

N.Chezhan

.... Petitioner

vs

1. The State of Tamilnadu, rep.
by Secretary to the Government,
Handlooms, Handicrafts,
Textiles & Khadi Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Handlooms & Textiles,
Kuralagam,
Chennai - 600 108.
3. The Administrator,
Pudukottai District Cooperative Spinning
Mills Ltd.,
Pudukottai.

.... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorari to call for the records pertaining to the orders in G.O.Ms.No.127 dated 9.9.2010 on the file of the first respondent and quash the same.



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W.P.No.6653 of 2013

For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.Abishek,
Govt.Advocate for R1 & R2
Mr.M.R.Raghavan for R3

ORDER

This writ petition has been filed challenging G.O.Ms.No.127 dated 9.9.2010 passed by the 1st respondent, in which, the revision of pay scale was granted with prospective effect from the date of issue of the order insofar as Pudukottai and Krishnagiri Cooperative Spinning Mills are concerned.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the 1st and 2nd respondents and the learned counsel for the 3rd respondent.

3. The petitioner was appointed as Supervisor by the 2nd respondent and the said post is transferable one to any of the Spinning Mills under the control of the 2nd respondent. While the petitioner was working at Srivilliputhur Cooperative Spinning Mills Ltd, the said Mill was closed down. Out of 18 spinning mills 13 mills have been closed and the petitioner was put to compulsory wait. The second respondent prepared a seniority list from among the supervisors from the closed mills and as per the seniority,



W.P.No.6653 of 2013

WEB COPY

allotment of postings were made. Thereafter, on 06.07.2007, the 2nd respondent issued posting order as Supervisor at Pudukottai District, in which a clause was incorporated that the petitioner would not be eligible for any pay for the period between 1.7.2003 to 5.7.2007 and that he should give an undertaking that he will not claim any salary for the period 1.7.2003 to 5.7.2007. The petitioner was given posting and was working as Supervisor at Pudukottai District Co-operative Spinning Mills Ltd. The petitioner also gave a representation seeking arrears of salary and the amount due on account of annual increment on 29.08.2008 quantifying the amount due which worked out to Rs.6,41,301/-, but the 2nd respondent denied the same. Therefore, the petitioner filed W.P.No.17445 of 2010 and the same is pending before this Court. In the mean time, the first respondent passed the impugned G.O. dated 9.9.2010 wherein the pay scales were revised and all the employees working in the Cooperative Spinning Mills were given the benefits by enhancing the pay scales and also for payment of accumulated arrears with effect from 1.8.2009. However, in the same order, discrimination has been shown against the employees of Pudukottai & Krishnagiri, Cooperative Spinning Mills, in which these employees alone has been given effect of the order only from 9.9.2010 i.e., the date of impugned



W.P.No.6653 of 2013

G.O. Therefore, the petitioner gave representation on 18.09.2010 but inspite of more than 2 years, no fruitful action is forthcoming from the respondents. Hence, the present writ petition has been filed.

4. This Court considered the submissions made on either side and perused the materials available on records.

5. The petitioner was working as Supervisor at Pudukottai Cooperative Spinning Mills. The main grievance of the petitioner in this writ petition is that in the revision of pay scales granted to the Technical and Administrative staff of five functioning Spinning Mills, vide G.O.Ms.No.127 dated 09.09.2010, only for three spinning mills, viz., Anna, Bharathi and Kanyakumari Cooperative Spinning Mills, the revision of pay was granted from 01.08.2009 and for the other two Spinning Mills viz., Pudukottai and Krishnagiri Cooperative Spinning Mills, the revision of pay was granted only with effect from 09.09.2010. It is not in dispute that the nature of duties and functions of Technical and Administrative staff are equal in all the five District Cooperative Spinning Mills. The benefits extended to the employees belongs to the same class is to be extended equally and uniformly to all the persons working in that particular cadre. There cannot be any discrimination between the employees working in



W.P.No.6653 of 2013

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different Districts. They ought to have been given the revision of pay scale at par with the other Technical and Administrative Staff of other Districts Cooperative Spinning Mills. No reason was also stated in the said G.O. for not granting the benefit of revision of pay from 01.08.2009 to Technical and Administrative Staff of the Pudukottai and Krishnagiri Cooperative Spinning Mills as granted to the employees of the Anna, Bharathi and Kanyakumari Cooperatives. The same benefit cannot be denied to other similarly placed persons. To that extent, the Government Order seems to be bad in law.

6. The Hon'ble Supreme Court of India, time and again, emphasised that the State, should implement the financial orders uniformly to all persons, who are eligible to avail the benefits and there cannot be any discrimination in respect of grant of monetary benefits amongst the same class of people. Though it is stated in the counter affidavit that the Pudukottai Spinning Mills is running in huge loss, this Court is of the opinion that the benefit granted to the employees of Anna, Bharathi and Kanyakumari Cooperative Spinning Mills in G.O.Ms.No.127, dated 09.09.2010, should not be denied to the employees of Pudukottai and Krishnagiri Cooperative Spinning Mills, who are similarly placed.



W.P.No.6653 of 2013

WEB COPY

7. Therefore, G.O.Ms.No.127, Handlooms, Handicrafts Textiles and Khadi (C1) Department dated 09.09.2010 is quashed only in respect of granting revision of pay to the employees of Pudukottai and Krishnagiri Cooperative Spinning Mills with prospective effect from the date of issue of the G.O. The petitioner is entitled to the benefits of revision of pay from 01.08.2009, as granted to the employees of Anna, Bharathi and Kanyakumari District Cooperative Spinning Mills.

8. The Writ Petition is allowed to the extent indicated above. No costs.

27.02.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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W.P.No.6653 of 2013

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W.P.No.6653 of 2013

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