



W.P.No.13829 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.13829 of 2019 and
W.M.P.No.21534 of 2023

The Pondicherry Power Corporation
Employee's Social Welfare Union,
Rep. by its Secretary
Mr.K.Lakshminarayanan
Regd.No.1665/RTU/2010,
(Affiliated with AITUC-Puducherry State Council)
No.174, Gandhi Salai,
T.R.Pattinam, Karaikal - 609 606.

... Petitioner

Vs.

The Management,
Puducherry Power Corporation Limited,
Karaikal.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the order, dated 12th April 2018 in I.D.(T) 8/2012 passed by the Presiding Officer, Industrial Tribunal cum Labour Court Puducherry and set aside the portion of the order in so far as the pay scale revision to the post of Junior Chemist and Boiler Attendant from the date of raising of the Industrial Dispute. Consequently implement the



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5th Central Pay Commission to the posts of Junior Chemist and Boiler Attendant from 01.01.1996 or from the date of joining of the petitioners, awarding the consequential financial and other benefits pursuant to such revisions of scales and awarding the corresponding pay scales as per the recommendations of 6th Central Pay Commission.

For Petitioner : Ms.Usha Ramman

For Respondent : Mr.M.Karthikeyan

ORDER

This Writ Petition is filed to set aside the portion of the order passed in I.D(T) No.8/2012 passed by the Industrial Tribunal cum Labour Court, Puducherry insofar as the revision of pay scale to the post of Junior Chemists and Boiler Attendants from the date of raising of the Industrial Dispute and consequently implement the fifth Central Pay Commission to them from the date of raising of the Industrial Dispute.

2. According to the Writ Petitioner, there are four Boiler Attendants and five Junior Chemists and they have been appointed as mentioned in the following column in the pay band of Rs.5000-150-8000/-:



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S.No.	Name	Designation	Date of Joining
1	K.Lakshminarayanan	Junior Chemist	29.10.1999
2	K.Manikandan	Junior Chemist	21.10.1999
3	K.Ashok Kumar	Junior Chemist	30.12.1999
4	R.Kumaravel	Junior Chemist	07.03.2000
5	T.Lavanya	Junior Chemist	21.01.2008
6	K.Palvannan	Boiler Attendant	06.10.1999
7	K.Vengadesan	Boiler Attendant	29.10.1999
8	A.Kathiravan	Boiler Attendant	09.12.1999
9	S.Srinivasan	Boiler Attendant	11.08.2000

3. Ms.Usha Ramman, learned counsel for the Writ Petitioner contended that the fifth Pay Commission is a statutory provision and it was implemented by the Government of Puducherry vide Orders Ms.No.55/97/F3, dated 15.10.1997 with effect from 01.01.1996. On the contrary, the Tribunal had directed the Government to pay the revised scale of pay from the date of raising of the Industrial Dispute. Hence, the petitioner filed the present Writ Petition.

4. Mr.M.Karthikeyan, learned counsel appearing for the respondent contended that as per the Board resolution, dated 18.09.1998,



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the posts of Boiler Attendants and Junior Chemists were created. The Board decided to extend the benefits of the fifth Pay Commission to all categories of employees working in the Corporation with effect from 01.01.1996. However, there was an Audit objection to the Board Resolution since it was contrary to G.O.Ms.No.66/F3/2008 dated 24.10.2008 as approval of Government has not been obtained.

5. In the circumstances, it is his contention that the Government of Puducherry should be made as a party to the present Writ Petition to resolve the issue and without impleading them as a party / respondent, the approval for implementing fifth Central Pay Commission to the staff of the Electricity Department, Government of Puducherry cannot be granted.

6. At the outset, it may be observed that the respondent had not challenged the orders passed by the Industrial Tribunal cum Labour Court, Puducherry in I.D.(T) No.8/2012. It is also relevant to note that the very G.O. in Ms.No.55/97/F3, dated 15.10.1997 has been passed by



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the Government of Puducherry and the Industrial Tribunal in his orders clearly indicated that the Boiler Assistants and Junior Chemist should be given benefits of 5th Pay Commission. The 5th Pay Commission has been given effect to from 01.01.1996. The members of the petitioner Union had been appointed on various dates as per the said G.O. passed by the Government of Puducherry in Ms.No.55/97/F3, dated 15.10.1997. Therefore, they are entitled to get 5th pay scale from the date of their appointment. Accordingly, the order passed by the Industrial Tribunal cum Labour Court, Puducherry in I.D.(T) No.8/2012 is modified as under:

“The respondent Corporation is directed to revise the scale of pay of the boiler Attendants and Junior Chemists at the pay Scale of 5000-150-8000 with effect from 01.01.1996 or from the date of joining as the case may be.”

7. It is also pertinent to mention that with the 6th and 7th Pay Commission Scales being implemented subsequently, the members of the Petitioner Union would be getting all the benefits as per both the scales.



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8. With the above observation, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
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