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W.P.No.14372 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P. No. 14372 of 2020

Tamil Nadu TASMAL Differently Abled Staff Welfare Association
Rep. by its Secretary Mr.P.Ariyakumar

Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Chief Secretary to Government
Chief Secretariat,
Fort St.George, Chennai - 600 009.
2. State of Tamil Nadu
Rep. by its Secretary to Government
Home, Prohibition and Excise Department
Chief Secretariat,
Fort St.George, Chennai - 600 009.
3. State of Tamil Nadu
Rep. by its Secretary to Government
Welfare of Differently Abled Persons
Chief Secretariat,
Fort St.George, Chennai - 600 009.
4. State of Tamil Nadu
Rep. by its Secretary to Government
Social Welfare and Nutritious
Meal Program Department
Chief Secretariat
Fort St.George, Chennai - 600 009.



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5. The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, to direct the respondents to consider the representation of the petitioner association dated 17.08.2020 in the light of G.O.Ms.No.151, Social Welfare and Nutritious Programme Department dated 16.10.2008.

For Petitioner	:	Mr.K.Elango
For R1 to R4	:	Mr.T.Cheziyan Addl. Government Pleader
For R5	:	Mr. K.Sathish Kumar Standing Counsel

ORDER

The case of the petitioner association is that its members are physically challenged and they had registered their name with the respective employment exchange in various districts in Tamil Nadu.

2. The members of the petitioner association, sponsored from respective employment exchange, were appointed by the fifth respondent temporarily on consolidated basis and they have been working for almost 20 years. They have been serving in the respondent Corporation as



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Supervisor, Salesman and Assistant Salesman on a consolidated pay of Rs.12,750/-, Rs.10,600/- and Rs.9,500/- respectively.

3. While so, in the year 2008, the Government of Tamil Nadu took a policy decision to bring the physically challenged employees of the State Government, who are receiving a consolidated pay and have completed 2 years of service, into time scale of pay. The members of the petitioner association, prior to the formation of the petitioner association, made several representations to the respondents seeking fixation of time scale of pay, but to no avail.

4. Hence, to redress the grievances of the members of the petitioner association, the petitioner association was registered under the Trade Union Act before the Additional Registrar of Trade Union on 22.07.2020. The petitioner association gave a representation dated 17.08.2020 to the respondents to bring them under the time scale of pay from consolidated pay. Finding no response to the same, the petitioner association has filed this writ petition seeking a direction to consider their representation dated 17.08.2020.



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5. Mr. K.Sathish Kumar, learned Standing Counsel for the fifth respondent Corporation, submitted that the first respondent is the competent authority to take a decision on the petitioner association's representation dated 17.08.2020.

6. Considering the above facts and circumstances and without going into the merits of the case, the first respondent is directed to consider and pass appropriate orders on the petitioner association's representation dated 17.08.2020 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction.

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vca

Index : Yes/No

Speaking Order : Yes/No



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