



W.P.No.21882 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.21882 of 2014

1. K.Inbasekaran
2. O.Periyaponnu
3. S.Sambandan
4. B.Karuppusamy
5. K.Palani
6. N.Dhas
7. G.Murugan
8. V.Manoharan
9. M.Gangadharan
10. K.Ponnusamy

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Industries (MME-1) Department,



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Fort St. George, Chennai-9.

2. The Chairman cum Managing Director,
Tamil Nadu Mineral Ltd, (TAMIN),
Chepauk, Chennai-5.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in RC.No. 7577/E.4/2007 dated 12.08.2013 and quash the same and direct the respondent to revise our pay scale of Rs.4000-10-6000 with effect from 1.1.1996 and grant all consequential benefits and arrears of pay consequent on such revision in accordance with the pay scale granted to the Welders in other Government Organization and Corporation and Autonomous Body controlled by the Government of Tamil Nadu.

For Petitioners : Mr.P.Rajendran

For Respondents : M/s.C.Sangamithirai,
Special Government Pleader (for R1)

M/s.Srijayanthi (for R2)

ORDER

This writ petition is filed in the nature of Certiorarified Mandamus, seeking to call for the records relating to the impugned order of the second



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respondent in RC.No. 7577/E.4/2007 dated 12.08.2013 and quash the same

and direct the respondents to revise petitioners' pay scale of Rs.4000-10-6000 with effect from 1.1.1996 and grant all consequential benefits and arrears of pay consequent on such revision in accordance with the pay scale granted to the Welders in other Government Organization and Corporation and Autonomous Body controlled by the Government of Tamil Nadu.

2. It is submitted by the learned counsel for the petitioners that the petitioners have been working as Welder in TAMIN for the past over 17 years. Originally the petitioners' pay was fixed in the scale of pay of Rs.1100-1660. The said scale of pay was revised as Rs.3625-4900 under the V Pay Commission and the petitioners' pay was fixed in the said scale pay. The scale pay of 3625-4900 was revised as Rs.4000-100-6000 as per the recommendations of the One Man Commission and the Government of Tamil Nadu issued orders in G.O.Ms.No.458, Finance (PC) Department, dated 31.08.1998. The TWAD Board, Tamil Nadu Co-operative Milk Producers Federation (Aavin), etc., have implemented the said orders in G.O.Ms.No.458 dated 31.08.1998 and granted the scale of Rs.4000-100-6000. The electricians and Welders working in the Public Works



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Department have also been granted the said scale of pay with effect from 1996. However, the petitioners' pay scale has not been revised for the past 14 years and the petitioners are still getting pay in the scale pay of Rs.3625-4900. When the Welders in other Government Bodies are getting pay in the above said revised scales of pay, the petitioners are still getting pay in the scale of pay of Rs.3625-4900.

3. The petitioners sent a representation to the respondents on 10.03.2011 requesting them to revise the petitioners' pay scale as Rs.4000-100-6000 with effect from 01.01.1996 and grant all consequential revisions and pay petitioners the arrears of pay consequent to such revision in accordance with the pay scale granted to the Welders in other Government Organisations and Corporations and Autonomous bodies controlled by the Government of Tamil Nadu. Since no order was passed on the said representation, the petitioners approached this Court and filed W.P.No.10766 of 2011, which was ordered on 09.09.2011, directing the respondents to consider the petitioners' representation dated 10.03.2011 and pass appropriate orders. Thereafter, the second respondent issued an order in Rc.No.7577/E.4/2007 dated 12.08.2013 (the impugned order) stating that the petitioners' request for revision of scale of pay could not be



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considered until the Government passes orders in the matter. Aggrieved by the impugned order, the petitioners have filed the present writ petition.

4. Learned counsel for the respondents submitted that as per the G.O.Ms.No.567, Finance (Pay Cell) Department, dated 01.08.1992, the Scale of Pay of Rs.1100-1660/- was fixed to the post of Welders with notional effect from 01.06.1998, with monetary benefit from 01.04.1992. This Scale of Pay of Rs.1100-1660/- was revised as Rs.3625-85-4900/- as per the 5th Pay Commission. As per the 6th Pay Commission, the Scale of Pay of Rs.3625-85-4900/- was revised as Rs.5200-20200 + G.P.2200/- with effect from 01.01.2006. Subsequently the annual increments at the rate of 3% and Special Grade were also sanctioned to the petitioners periodically.

5. Further the learned counsel for the respondents submitted that since TAMIN is adopting the Scale of Pay of prescribed by the Government to its employees, the request of the Welders made in their representation dated 10.03.2013 for the revision of Scale of Pay could not be considered until the Government passes the Government Order in G.O.Ms.No.325, Finance (Pay Cell) Department, dated: 22.07.2013 has



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revised the Grade pay of all entry level trade posts as per the recommendations of the Pay Grievance Redressal Cell from Rs.5200-20200 + G.P.2000/- to Rs.5200-20200 + G.P.2400/- notionally with effect from 01.01.2006 with monetary benefit from 01.04.2012.

6. The present Ordinary Grade Scale of Pay for the post of Welder in TAMIL NADU is from Rs.5200-20200 + G.P.2200/-. Where as in the Pay Grievance Redressal Cell G.O. the Government has revised the Grade Pay from Rs.2200/- to Rs.2400/-. TAMIL NADU is not empowered to revise the Scale of Pay of Welders without the approval of the Government. In the above circumstances, an order issued by TAMIL NADU in Rc.No.7577/E4/2007, dated 12.08.2013 is not an impugned order and hence the order may not be quashed.

7. Heard learned counsel appearing for both sides and perused the records.

8. It is the contention of the respondent to consider their case on par with the similarly placed employees. In the contrary, the stand taken by the Respondent/Government is that the Government of Tamil Nadu has issued



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orders in G.O.Ms.No.70, Industries (MME-1) Department, dated 01.03.2011 to revise the Scale of pay as Rs.5200-20200+G.P.2400/- to the post of Electricians with effect from 01.03.2011. However, unless Government issue G.O. extending the benefit of G.O.Ms.No.70, Industries (MME-1) Department, to the post of Welders, 2nd respondent cannot implement the pay revision to the post of Welders.

9. Learned Special Government Pleader submits that the representation of the petitioner in this context is under active examination of the Respondent.

10. In view of the submissions of the learned Special Government Pleader, this writ petition is **disposed of**, directing the 1st respondent to dispose of the representation sent by the 2nd respondent dated 10.03.2011 with reference to G.O.Ms.No.70, Industries (MME-1) Department, dated 01.03.2011, as quickly as possible, not later than eight (8) weeks from the date of receipt of a copy of this order.



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WEB COPY 11. Accordingly, this writ petition stands **disposed of**. No costs.

27.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Industries (MME-1) Department,
Fort St. George, Chennai-9.

2. The Chairman cum Managing Director,
Tamil Nadu Mineral Ltd, (TAMIN),
Chepauk, Chennai-5.



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Dr.D.NAGARJUN. J.,

(sha)

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