



WEB COPY



W.P.No.17158 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.17158 of 2020

Castro

...

Petitioner

/vs/

1. The Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai – 600 009.

2. The Tamil Nadu Fisheries Development
Corporation Limited,
(A Government of Tamil Nadu Undertaking)
Represented by its Managing Director,
No.485, MTB Buildings,
6th Floor, Anna Salai,
Nandanam, Chennai – 600 035.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to grant pay revision with monetary benefits notionally with effect from 01.06.1988 and with the monetary benefit from 01.04.1992 to the petitioner on par with the officers



W.P.No.17158 of 2020

of the Tamil Nadu Fisheries Department viz with the pre-revised scale of pay Rs.1160-1950 as on 01.06.1988 and with the revised scale of pay Rs.2000-3500 with monetary benefit from 01.04.1992 within the time frame.

For Petitioner ... Mr.M.Santhanaraman
For Respondents ... Mr.T.Arunkumar
Additional Govt. Pleader for R1

Mr.R.Kumaravel
Additional Govt. Pleader for R2

ORDER

This Writ Petition has been filed to direct the respondents to grant pay revision with monetary benefits to the petitioner on par with the officers of the Tamil Nadu Fisheries Department.

2. The petitioner who is an employee of the second respondent has sought pay parity along with his counterparts who are working in the Fisheries Department. The second respondent corporation is fully owned by the Government of Tamil Nadu and it is functioning under the Tamil Nadu Fisheries Department. It has been established for the purpose of managing inland fishing in the State of Tamil Nadu. The Tamil Nadu



W.P.No.17158 of 2020

Fisheries department is looking after the affairs of Sea Fishing.

WEB COPY

3. According to Mr.M.Santhanaraman, the learned counsel for the petitioner, the designation of officers of both the department and the corporation are one and the same; on certain occasions, the officers from the Fisheries Department will also be deputed to work in the Corporation; until 5th Pay Commission both the officers of the Department and Corporation were getting the same scale of pay; every time pay revision is done in respect of the officers of the Fisheries Department, the same is followed for officers of Corporation as well; subsequent to the 6th pay commission, no orders has been passed for ensuring pay parity between the officers of the department and the officers of the corporation.

4. Hence the petitioner has filed this petition seeking direction to the respondents to implement the pay revision on par with the officers working in the Fisheries Department.



W.P.No.17158 of 2020

5. Mr.R.Kumaravel, the learned Additional Government Pleader for the second respondent, submitted that the second respondent has been implementing the orders of this Court obtained by other employees; the petitioner cannot claim any parity between the officers working in the department and Corporation; G.O.Ms.No.22, Finance (PC) Department, dated 24.01.2014 was issued extending the benefit of higher start of pay as granted in G.O.Ms.No.357, Finance (CMPC) Department, dated 20.12.2011, to the petitioners in the writ petition in W.P.No.25136 of 2012; the said benefit has been extended to similarly placed person in the Fisheries Department.

6. The petitioner in W.P.No.25136/2012 is an Officer working in the second respondent Fisheries Development Corporation. However, it is stated by the second respondent Corporation that the Board of Directors of the second respondent resolved to implement the revised scale of pay in accordance with the board proceedings. With the concurrence of Finance Department and Board of Directors of the second respondent, the 6th pay commission recommendations have been implemented and the employees



W.P.No.17158 of 2020

of the corporation obtained the benefit.

WEB COPY

7. As regards G.O.Ms.No.22, Finance (PC) Department, dated 24.01.2014, it has been issued in order to set right the pay anomaly between the juniors and seniors whose source of recruitment was one and the same, but were working in two different institutions due to deputation.

8. The petitioners cannot seek the benefit of G.O.Ms.No.22, Finance (PC) Department, dated 24.01.2014. Because the basis of the said Government Order is fundamentally different from that of the base on which the petitioner makes his claim in this writ petition.

9. The petitioner who has retired from service have come out with this petition by placing reliance on the Government Order which is not applicable to this case. If the petitioner has got any specific grievance that 6th pay commission recommendation has not been implemented as against him, he can give a representation to the respondents and seek orders.



W.P.No.17158 of 2020

10. With the above observations, this Writ Petition is disposed. No costs.

06.12.2023

Index: Yes / No

Speaking order / Non-speaking order

bkn



W.P.No.17158 of 2020

To:

WEB COPY

1. The Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai – 600 009.
2. The Managing Director
The Tamil Nadu Fisheries Development
Corporation Limited,
No.485, MTB Buildings,
6th Floor, Anna Salai,
Nandanam, Chennai – 600 035.



WEB COPY



W.P.No.17158 of 2020

R.N.MANJULA ,J.

bkn

W.P.No.17158 of 2020

06.12.2023