



W.P.No.25131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

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S.Aruldas

... Petitioner

-Vs-

1. The Government of Tamilnadu,
Represented by the
Additional Chief Secretary to the Government,
Environment, Climate Change and Forest Department,
Chennai-600 009.

2. The Member-Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Chennai-600 032.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Memo No.ThanamaKaVa/Pani/Pa7/027700/2018 dated 13-02-2020 and quash the same and direct the respondents to fix the petitioner's pay on par with his junior Mr.C.Arul by considering his representation submitted to the first respondent dated 09-12-2022 and grant him all consequential benefits.



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For Petitioner : Mr.P.Mohanraj

For Respondents

R1 : Mr.P.Baladhandayutham

Special Government Pleader

R2 : Mrs.Vijayakumari Natarajan

ORDER

This Writ Petition has been filed challenging the order dated 13.02.2020, thereby rejecting the request made by the petitioner to rectify the pay anomaly on par with his junior one C.Arul.

2. Heard both sides and perused the materials available on record.

3. The petitioner is working as Technical Assistant in the second respondent board. He was initially appointed as Electrician Grade-I on 12.02.1996 and promoted to the post of Technical Assistant on 03.09.2013. His junior one C.Arul was appointed as Electrician Grade-I on 25.03.1997 and he was awarded Special Grade on completion of 20 years of service in the post of Electrician Grade-I on 05.05.2017. He was not promoted to the post of Technical Assistant. The petitioner is senior to him.



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4. As far as the petitioner is concerned, he was promoted to the post of Technical Assistant before availing Selection Grade in the lower post of Electrician Grade-I. He is drawing salary of Rs.49,000/- in the higher post of Technical Assistant as on the date of movement of C.Arul to the Selection Grade pay of Rs.52,000/- on 05.05.2017. Therefore, the petitioner submitted his representation to the second respondent to rectify the said pay anomaly. It was recommended by the second respondent to the first respondent. However, first respondent in the communication in Govt.Letter No.17155/Su.Soo.2/2019-3 dated 20.01.2020 informed that as on 05.05.2017 when the pay anomaly began, the petitioner was working in the post of the Technical Assistant and his junior C.Arul was working in the post of Special Grade Scale of Electrician Grade-I. The requirement under sub rule (2) of Rule 22 (B) of the Fundamental Rules was not fulfilled in this case and the conditions laid down in G.O.Ms.25, Personnel and Administrative Reforms Department, dated 23-03-2015 were also not satisfied. Therefore, the pay anomaly occurring in two different post cannot be rectified under the Fundamental Rules and also as per the said GO. In pursuant to the said communication, the second respondent rejected the claim made by the



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petitioner.

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5. In view of the above, this Court finds no infirmity and illegality in the order passed by the second respondent in Memo No. ThaNaMaKaVa/Pani/Pa7/02770/2018 dated 13.02.2020 and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ petition stands dismissed. There shall be no order as to costs.

25.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

1. Additional Chief Secretary to the Government,
The Government of Tamilnadu,
Environment, Climate Change and Forest Department,
Chennai-600 009.
- 2.The Member-Secretary,
Tamil Nadu Pollution Control Board,
No.76,Mount Salai, Chennai-600 032.



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G.K.ILANTHIRAIYAN, J.

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