



W.P.(MD)No.23791 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.23791 of 2016

S. Gopal

... Petitioner

Vs.

1. The Secretary to Government,
Tamil Nadu Development & Information Department,
Secretariat, Chennai – 600 009.

2. The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai – 600 009.

3. The Director of Stationery and Printing,
110, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records of the 1st respondent i.e. the Secretary to Government, Tamil Development & Information Department, Chennai relating to letter No.20348/EA1-1/2013-6, dated 17.03.2014 and quash the same and consequently direct the respondents to re-fix the scale of pay of the petitioner in the cadre of Warehouse Clerk on par with



W.P.(MD)No.23791 of 2016

WEB COPY

Junior Forman with effect from 01.01.2006 initially and in the Selection Grade Post and to send revised pension proposals to the Accountant General, Chennai, within a specified time frame that may be fixed by this Court.

For Petitioner : No appearance (Party In-Person)

For Respondents : Mr.John Rajadurai,
Government Advocate

ORDER

This writ petition is filed challenging the impugned order, dated 17.03.2014 and consequently, directing the respondents to re-fix the scale of pay of the peititioner in the cadre of Warehouse Clerk on par with his Junior Forman, with effect from 01.01.2006, initially and in the selection grade post and revised the pension accordingly.

2. There is no appearance on the side of the petitioner.
Mr.John Rajadurai, learned Government Advocate appearing for the respondents.
Perused the material documents available on record.



W.P.(MD)No.23791 of 2016

WEB COPY

3. The petitioner has joined as a Warehouse Man in the respondents Stationary and Printing Department, on 24.11.1979. Thereafter, he was promoted as Ware House Clerk and was granted selection grade in the Ware House clerk post. The claim of the petitioner is to keep the petitioner's post as Ware House Clerk on par with Technical Assistant, Junior Foreman & Senior Foreman, etc. and revised the pay. As per IV Pay Commission, the One Man Committee report, the pay scales were revised as follows:

Sl. No.	Category of post	Existing Pay		Revised Pay	
		Ordinary Scale	Selecion Grade Scale	Ordinary Scale	Selection Grade Scale
1	Warehouse Man	505-845	555-970	610-1075	705-1230
2.	Warehouse Clerk	555-970	705-1230	705-1230	780-1385
3	Warehouse Keeper	705-1230	780-1385	780-1385	905-1545
4	Technical Assistant	505-845	555-970	705-1230	780-1385
5	Junior Foreman	555-970	705-1230	780-1385	905-1545
6	Senior Foreman	705-1230	780-1385	905-1545	1045-1775

As per the existing scale of pay for the ordinary scale, the Warehouse Clerk was receiving a sum of Rs.555-970, even the Junior Foreman was receiving the same, however in the revised pay for the ordinary scale the Ware Housing Keeper was granted a sum of Rs.705-1230. But, for the Junior Foreman it was revised as Rs.780-1385. Since Ware House Clerk and Junior Foreman were



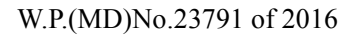
W.P.(MD)No.23791 of 2016

WEB COPY

receiving same scale of pay prior to One Man Commission but, subsequently, there were huge differences in the ordinary scale of pay. Therefore, the petitioner is seeking keep the scale of pay on par with the Junior Foremen and revised the pension.

4. The learned counsel appearing for the respondents submitted that the Ware House Clerk is unskilled post, whereas the Junior Foreman is a skilled post. For the Junior Foreman post, the candidates should have completed ITI training and National Council for Vocational Training is necessary, however, for the Ware House Clerk should have passed SSLC only.

5. Since the One Man Commission has refixed the salary based on the category of unskilled and skilled, moreover there were differences in the educational qualification, the difference in fixation is proper. Therefore, this Court is not inclined to entertain this writ petition.



Consequently, connected miscellaneous petitions are closed.

27.02.2023

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W.P.(MD)No.23791 of 2016

S.SRIMATHY, J

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**Order made in
W.P.(MD)No.23791 of 2016**

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