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W.P.No.16313 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

W.P.No.16313 OF 2015

Dr. M.Venkatachalam
Bio-Chemist,
Institute of Veterinary Preventive Medicine,
Ranipet, 632 401.

.... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Secretary,
Animal husbandry and Fisheries Department,
Secreteriat, Chennai – 9.
2. The Government of Tamil Nadu,
represented by the Secretary,
Finance Department,
The Secretariat, Chennai-9.
3. The Commissioner,
Veterinary Institute,
Teynampet, Chennai-6.
4. The Director,
Animal Husbandry and Veterinary Services,
Chennai.
5. The Director,
Institute of Veterinary Preventive Medicine,
Ranipet 632 401.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to revise the grade pay of the petitioner from Rs.5,400/- to Rs.6,600/- as per the representation dated 30.03.2015.

For Petitioner : Mr.B.Ravi

For Respondents : Mr. Stalin Abhimanyu, AGP

ORDER

The Writ Petition is filed seeking for a direction to the respondents 1 and 2 to consider the representation submitted on 30.03.2015 for revising the grade pay of the petitioners from Rs.5,400 to Rs.6,600.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Govt. Pleader appearing for the respondents.

3. It is the case of the petitioner that he has been working in 5th respondent Institute from 1997 onwards. In the year 2004, the petitioner was appointed as Bio-Chemist under the pay scale of Rs.15,600- 39,100 and grade pay of Rs.5,400/-.



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4. According to the petitioner, the post of Bio Chemist and post of Assistant Research Officer are in category IV and up to the VI Pay Commission, both posts were treated equally and equal pay was granted. However, in the year 2010, the grade pay of Assistant Research Officers have been increased from Rs.5,400/- to Rs.5,700/- pursuant to G.O.Ms.No.263, dated 26.08.2010. In this regard, the petitioner has made a representation with the first respondent on 30.03.2015 seeking to revise his grade pay also from Rs.5400/- to Rs.6600. As his representation was not considered, he preferred the present writ petition.

5. Learned counsel for the petitioner contended that since the post of Bio Chemists and the post of Assistant Research Officer are equally placed, they have been treated equally and equal pay benefits have been granted upto to VI Pay Commission. Once grade pay has been increased to Rs.5,700/- for the post of Assistant Research Officer, then, naturally, the respondents ought to have increased the benefits of petitioner also. Since the same was not granted to him, the petitioner has submitted a



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representation in this regard, however, the same has not been considered.

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6. The learned Addl. Govt. Pleader appearing for the respondents, relying on the counter affidavit submitted that even though the post of Bio-Chemist and the post of Assistant Research Officer were placed under the same category and was awarded equal pay commission upto VI Pay Commission, pursuant to the recommendations of the One Man Commission, pay for the post of Assistant Research Officer have been revised from Rs.15,600 to Rs.39,100 with grade pay of Rs.5,400 to Rs.15,600 -Rs.39,000 with grade pay of Rs.6,600.

7. It is his contention that only based on the One Man Commission report, benefits have been granted and since the Committee has not made any recommendation with respect to the post of the petitioner, the same was not extended.

8. The petitioner, even though worked as Bio-Chemist and was receiving the pay on par with the post of Assistant Research Officers in the category of Rs.15,600 – Rs.39,000 with a grade pay of Rs.5,400/-, pursuant



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to the one Man Committee Report and Pay Grievance Redressal Committee, the scale of pay to the post of Assistant Research Officers had been revised by increasing the grade pay to Rs.6,600 . These benefits have been extended through GO.Ms.449, Finance (Pay Cell) Department, dated 31.12.2010 purely based on the B.V.Sc., Professional Degree qualification which includes 4 ½ years study with 6 months of internship training with M.V.SC., in veterinary Science.

9. When the benefits have been extended by increasing the grade pay upto Rs.6600/- for the post of Assistant Research Officers, the One Man Commission and the Pay Grievance Redressal Committee has not made any recommendations for revision of scale of pay for the post of Bio Chemist. When the issue in respect of these posts were considered by the Committee and based on some parameters, they arrived at and recommended that the grade pay ought to be increased from Rs.5,400 to Rs.6,600 for the post of Assistant Research Officers, the Committee did not found it fit to make a similar recommendation to the post of Bio-chemists.

10. In the circumstances, the petitioner has claimed that even though



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he had received similar pay benefits equal to the post of Assistant Research Officers, on the revision of pay scale made to that by increasing grade pay to Rs.6,600, the same ought to have been immediately made effect to the petitioner's post as Bio Chemist cannot be sustained.

11. Further the respondents, in counter affidavit has stated that the representations received from the Associations having employees including the petitioners in this regard for further revision of pay band/grade pay would be deferred till a Committee is constituted by the general pay revision. In view of the same, as and when any such exercise is undertaken and a decision is taken, the respondents shall intimate the ultimate decision taken on the revision made to the petitioner in this regard as expeditiously as possible.

12. With this observations, the writ petition is disposed of . No costs.

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msr

Index:Yes/No

Internet:Yes/No

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To
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1. The Secretary,
Animal husbandry and Fisheries Department,
Govt. of Tamilnadu, Secretariat, Chennai – 9.
2. The Secretary,
Finance Department,
The Secretariat, Govt. of Tamilnadu, Chennai-9.
3. The Commissioner,
Veterinary Institute,
Teynampet, Chennai-6.
4. The Director,
Animal Husbandry and Veterinary Services,
Chennai.
5. The Director,
Institute of Veterinary Preventive Medicine,
Ranipet 632 401.

G. ARUL MURUGAN, J.

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