



W.P.No. 6563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6563 of 2023

S.Pichaiah

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Petitioner

Vs

1. The Secretary,
Tourism, Culture & Religious Endowment Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner/Director of Museum,
Government Museum,
Egmore, Chennai – 8.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records with regard to the first respondent official Letter No.8176/MA1/2021-2, dated 06.09.2021 and quashing the same as illegal and consequently directing the respondents to implement the recommendation of One Man Commission 1998, with regard to Pay Scale Revision for Taxidermist Grade-II with effect from 28.01.2011.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.V.Veluchamy

Additional Government Pleader



W.P.No. 6563 of 2023

ORDER

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This Writ Petition has been filed challenging the order dated 06.09.2021 in Letter No.8176/MA1/2021-2 passed by the first respondent, thereby rejected the request made by the petitioner to implement the recommendation of One Man Commission 1998 with regard to pay scale revision for Taxidermist Grade II with effect from 28.01.2011.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as last grade servant in the Government Museum, Chennai. Thereafter, he was promoted to the post of Attender on 08.08.2008. Subsequently, he was promoted as Taxidermist Grade – II on 28.01.2011. In the meanwhile, the Tamil Nadu Government Museum Department, all Employees Union has represented to the Commission for revision of scale of pay for the post of Taxidermist Grade–I and Taxidermist Grade-II The Commissioner found that the work of Taxidermist is a skilled profession on unique type and that the presence



W.P.No. 6563 of 2023

scale of pay is not commensurate with the job factors involved in such an unique skilled job. Taking into consideration the scale of pay for Taxidermist Grade-I from Rs.4000-5000 to Rs.6500 – 10500/-, the pay of Taxidermist Grade-II from Rs.2750-4400 to Rs.5500-9000/- was fixed.

4. On the basis of One Man Commission, the petitioner submitted a representation seeking fixation of scale of pay. However, it was not considered and as such, the petitioner was constrained to file a writ petition before this Court in W.P.No.8296 of 2021. This Court, by an order dated 31.03.2021, directed the respondents to consider the representation of the petitioner and pass appropriate orders. In compliance of the order passed by this Court, the first respondent rejected the claim made by the petitioner on the ground that One Man Commission recommendation was not accepted and as such, the representation made seeking revision of pay scale was rejected. Except, one line stating that the One Man Commission recommendation was not accepted, the petitioner was not given an opportunity either personal hearing or filing written submissions. That apart, the first respondent did not even whisper about the representation



W.P.No. 6563 of 2023

submitted by the petitioner as feasible or not. On the One Man Commissioner's report, the second respondent also recommended for revision of pay for Taxidermist Grade-I and Taxidermist Grade-II.

5. A perusal of the counter filed by the respondents reveals that the petitioner does not have the required qualification mentioned in the V Pay Commission recommendation and One Man Commission. Therefore, the government denied his request. The petitioner did not have the technical qualification for the post of Taxidermist. Therefore, the petitioner was given promotion only on the basis of experience in the Zoology section with three months certificate from Zoology Curator. After giving promotion to the petitioner in the post of Taxidermist Grade II, now it cannot be said that the petitioner did not possess the technical qualification. That apart, the impugned order cannot be sustained on the ground that the petitioner was not given an opportunity of hearing and the impugned order is not speaking one. On the sole ground, the impugned order cannot be sustained and it is liable to be quashed.



W.P.No. 6563 of 2023

6. Accordingly, the impugned order dated 06.09.2021 in Letter No.8176/MA1/2021-2 passed by the first respondent, is hereby quashed.

The request made by the petitioner is remanded back to the first respondent for fresh consideration. The first respondent is directed to comply with the order dated 31.03.2021 passed by this Court in W.P.No.8296 of 2021 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition stands allowed. No costs.

11.03.2024

Index: Yes/No
Speaking Order: Yes
Lpp

To
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W.P.No. 6563 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.6563 of 2023

11.03.2024