



W.P.No.9249 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.9249 of 2020 and
W.M.P.Nos.11279 & 15023 of 2020

1. M.Ravikumar
2. K.Mathiyalagan
3. A.Logambal
4. R.Poyyamozi
5. R.Parimala Devi
6. A.Vasuki
7. M.Anandakumar
8. M.Perumal
9. S.Vetriselvan
10. P.Lakshmi

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment & Forests (EC-2) Department,
Secretariat, Chennai – 600 009.
2. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No.76, Mount Salai,
Guindy, Chennai -32.



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3. The Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Salai,
Guindy, Chennai - 32.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in connection with the impugned orders passed in Proceedings No.TNPCB/PER/P7/08453/14, dated 10.06.2020 with respect to the petitioners and consequential proceedings of the 3rd Respondent in i) Proceedings No.TNPCB/PER/P7/08453/2020, dated 17.06.2020 ii) Proceedings No.TNPCB/PER/P7/08453/2020-4, dated 26.06.2020 iii) Proceedings No.TNPCB/PER/P7/08453/2020-14, dated 26.06.2020 iv) Proceedings No.TNPCB/PER/P7/08453/2020-6, dated 26.06.2020 v) Proceedings No.TNPCB/PER/P7/08453/2020-10, dated 26.06.2020 vi) Proceedings No.TNPCB/PER/P7/08453/2020-9, dated 26.06.2020 vii) Proceedings No.TNPCB/PER/P7/08453/2020-5, dated 26.06.2020 viii) Proceedings No.TNPCB/PER/P7/08453/2020-3, dated 26.06.2020 ix) Proceedings No.TNPCB/PER/P7/08453/2020-8, dated 26.06.2020 x) Proceedings No.TNPCB/PER/P7/08453/2020-7, dated 21.07.2020, with respect to the petitioners and quash the same and direct the Respondents to continue to pay the revised pay/pension/family pension to all the petitioners. (Prayer amended vide order dated 10.09.2020 made in W.M.P.No.15023/2020 in W.P.No.9249 of 2020)

For Petitioners : Mr.K.Venkararaman,
Senior Counsel assisted by



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Mr.M.Muthappan

For Respondents

For R1 : Mr.S.Rajesh,
Government Advocate
For R2 and R3 : Mrs.Vijayakumari Natarajan

ORDER

An association by name Tamil Nadu Pollution Control Board Employee's Association filed a writ petition in W.P.No.9846 of 2000 by challenging the order of the respondent's Board Proceedings No.76 dated 17.11.1999 and Letter No.Per/P2/1283/99 dated 27.04.2000 and consequently directing the respondents to re-fix the pay scale of the Junior Environmental Scientist at Rs.8000-275-13500 from the date when they were moved to Selection Grade. The said writ petition was allowed on 19.10.2000 and a direction has been issued to the following effect:

“ .. 16. In the light of the above, the impugned proceedings No.76 dated 17.11.1999 passed by the first respondent and the order of the second respondent dated 27.04.2000 cannot hold good as far as the petitioner's claim for pay protection from the date of pay revision up to the date of the Board's Resolution dated 27.10.1999. In that respect alone, the impugned orders are set aside and the respondents



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are directed to consider the petitioner's claim in the light of the above discussion and grant pay protection from the date of the Government Order in G.O.Ms.No.546 dated 28.08.1998 up to the passing of the Board's Resolution dated 27.10.1999 and disburse the same to the petitioners. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

2. Subsequently the order has been implemented by the second respondent and orders have been passed on 05.09.2011. The reason stated in the cancellation proceedings which is now under challenge is that as per the Government Letter No.E&F.(EC.2)/23229/2014-11 dated 11.02.2020, the pay of Junior Environmental Scientists in the selection grade post is restricted to the ordinary grade pay of Environmental Scientists i.e. Rs.6500-200-11100. It appears that as per the order of this Court issued in W.P.No.9846 of 2000, the selection grade pay was fixed at Rs.8000-275-13500 and the special grade was fixed at Rs.9100-275-14050. In fact in the letter of the second respondent, dated 05.09.2011 in Sl.No.14 the revised selection grade and special grade scale of pay is mentioned as below:



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<i>Sl.</i>	<i>Ordinary Grade</i>	<i>Selection Grade</i>	<i>Special Grade</i>
14	5900-200-9900	8000-275-13500	9100-275-14050

3. Now Mr.K.Venkataraman, the learned Senior Counsel for the petitioner submitted that the fixation has been done only in accordance with the revised scale approved by the second respondent and now without any notice, that too after a period of ten years, no order can be passed to cancel the earlier revision. Consequent to the order, cancelling the pay fixation, the recovery orders have also been issued by revising the scale of pay once again and the same is pending in view of the interim order granted by this Court on 16.07.2020.

4. The learned Senior Counsel for the petitioner further submitted that the impugned orders are passed without giving any notice to the petitioners and the recovery orders have been passed in violation of earlier judicial pronouncements and the settled position of law and that too after a delay of ten years. He further submitted that the petitioners are already retired from service and the employer-employee relationship ceased to exist. There is no mistake on the part of the petitioners in getting pay



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fixation as per the earlier proceedings issued by the second respondent in compliance of the orders passed by this Court in W.P.No.9846 of 2000.

5. Mr.Vijayakumari Natarajan, learned counsel appearing for the Respondents 2 and 3 submitted that the respondents 2 and 3 are compelled to pass the impugned proceedings only in view of the Government Letter No.E&F(EC.2)/23229/2014-11, dated 11.02.2020. Hence, the petitioners cannot seek any relief against the Respondents 2 and 3 without challenging the above said Government letter.

6. However, the petitioners could not have aware of the Government Letter dated 11.02.2020, even though the same has been shown in the reference. Had the respondents 2 and 3 issued notice to the petitioners before passing the impugned orders, the petitioners could have got an opportunity to make their representation or atleast to know about the Government letter, dated 11.02.2020 to enable them to challenge the same, if so advised.

7. In view of the above stated reasons, this Writ petition is disposed of by setting aside the impugned orders passed by the 2nd Respondent in



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Proceedings No.TNPCB/PER/P7/08453/14, dated 10.06.2020 and consequential proceedings of the 3rd Respondent in i) Proceedings No.TNPCB/PER/P7/08453/2020, dated 17.06.2020 ii) Proceedings No.TNPCB/PER/P7/08453/2020-4, dated 26.06.2020 iii) Proceedings No.TNPCB/PER/P7/08453/2020-14, dated 26.06.2020 iv) Proceedings No.TNPCB/PER/P7/08453/2020-6, dated 26.06.2020 v) Proceedings No.TNPCB/PER/P7/08453/2020-10, dated 26.06.2020 vi) Proceedings No.TNPCB/PER/P7/08453/2020-9, dated 26.06.2020 vii) Proceedings No.TNPCB/PER/P7/08453/2020-5, dated 26.06.2020 viii) Proceedings No.TNPCB/PER/P7/08453/2020-3, dated 26.06.2020 ix) Proceedings No.TNPCB/PER/P7/08453/2020-8, dated 26.06.2020 x) Proceedings No.TNPCB/PER/P7/08453/2020-7, dated 21.07.2020.

8. If the respondents 2 and 3 still feels that the orders for revision of pay and recovery have to be passed against the petitioners, the same can be done only after issuing notice to the petitioners before passing such orders. The petitioners are also at liberty to challenge the Government letter, dated 11.02.2020 in Govt.Letter No.E & F (EC.2)/23229/2014-11, if they are so advised. No costs. Consequently, connected miscellaneous petitions are



closed.

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Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

1. The Principal Secretary to Government,
Environment & Forests (EC-2) Department,
Secretariat, Chennai – 600 009.
2. The Chairman,
The Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai -32.
3. The Member Secretary,
The Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 32.

R.N.MANJULA ,J.

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