



WEB COPY



W.P.No.27028 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM :

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.27028 of 2014

Tamil Nadu Sericulture
Technical officers Association,
Rep. by its President D.Natarajan,
S/o.P.Duraisamy, 12, Reynolds Road,
Cantonment, Trichy-1.

.. Petitioner

Versus

1. The Principal Secretary to
Government, Finance Department, St. George
Fort, Chennai-9

2. The Principal Secretary to the Government,
Handloom, Handicrafts and Textiles Khadi Department,
St. George Fort, Chennai-9.

3. The Director of Sericulture,
Foulks Compound,
Anaimedu,
Salem-1.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India,
praying to issue a writ of Certiorarified Mandamus to call for the records of
impugned proceedings in Na.Ka.No.3389/G1/2014 dated 24.06.2014 passed



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by the second respondent herein and quash the same as illegal and direct the second respondent to fix the pay scale of the Inspectors of Sericulture as 9300-34800 with Grade pay of Rs.5100/- with effect from 01.01.2006.

For Petitioner : M/s.K.Gandhi Kumar
M.Muthukrishnan

For Respondents : Mr.R.Neelakandan, AAG
Assisted by Mrs.E.Ranganayaki, AGP

ORDER

By this writ petition, proceedings bearing Na.Ka.No.3389/G1/2014 dated 24.06.2014 are challenged and the petitioner seeks a direction for the fixation of pay scale of Inspectors of Sericulture as 9300- 34800 with grade pay of Rs.5100/- with effect from 01.01.2006.

2. The petitioner is the president of Tamil Nadu Sericulture Technical Officers Association . The primary contention of the Association is that the One Man Commission for the fixation of pay scale in respect of the Sericulture Department had recommended that the pay scale for Inspectors of Sericulture be revised on a par with that of the Co-operative Sub Registrar. In spite of such recommendation, the petitioner Association contends that



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the impugned order was issued rejecting the representation of the Association.

3. The maintainability of the writ petition is challenged by the respondents by relying upon the judgment dated 28.04.2022 in *W.P.No.10465 of 2020, Tamil Nadu Survey Officers Union (Central) v. Government of Tamil Nadu and Others*, wherein it was concluded that an Association is not entitled to maintain a writ petition in relation to a service matter. In addition, by relying upon written instructions, learned Additional Advocate General submits that the request of the petitioner Association to be treated on a par with the Co-operative Sub Registrar cannot be accepted in view of the disparity in educational qualifications, mode of selection and nature of duties and responsibilities attached to the posts in question.

4. The settled legal position is that an Association is not entitled to maintain a writ petition in matters relating to service conditions, such as fixation of scale of pay, and that the aggrieved person(s) should seek relief. At the same time, it should be noticed that the One Man Commission



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appears to have recommended that the scale of pay for this post be revised on a par with that of the Co-operative Sub Registrar. A decision with regard to parity between two different posts based on educational qualifications, mode of selection and nature of duties cannot be examined by this Court as an appellate authority.

5. In these circumstances, W.P.No.27028 of 2014 is disposed of by leaving it open to the petitioner Association to submit a fresh representation to the Government for reconsideration of the scale of pay of Inspectors of Sericulture. If such representation is received, the same may be examined and disposed of in accordance with law within a reasonable time. No costs.

20.12.2024

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY J.

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