



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

REV.APLW No. 213 of 2024

1. Association Of Tamil Nadu
Municipal Engineers,
Rep. by its President,
36/ 83, Vengatarangam Pillai Street,
Triplicane, Chennai - 600005

Appellant(s)

Vs

1. The Government Of Tamil Nadu,
Rep. by its Principal Secretary,
Finance Department,
Fort St. George, Chennai - 9
2.The Commissioner for
Municipal Administration, Chennai

Respondent(s)

PRAYER

This Application has been filed to review the order of this Honble Court dated 30.10.2024 passed in W.P. No 17911 of 2018.

For Appellant(s): N.Subramaniyan

For Respondent(s): Mr.P.S.Raman, AG assisted by
Ms.R.Nirai Mathi, Spl.GP



ORDER

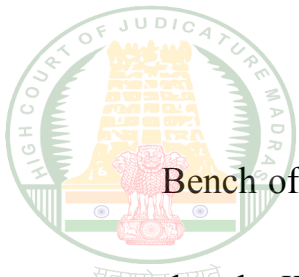
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This Application has been filed seeking review of the order dated 30.10.2024 passed in W.P. No 17911 of 2018.

2.Heard Mr.N.Subramaniyan, learned counsel for the petitioner and Mr.P.S.Raman, learned Advocate General appearing for the respondents.

3.The main ground on which this Review Application has been filed is that this Court dismissed the Writ Petition on the ground that the Writ Petition at the instance of the petitioner Association, is not maintainable.

4.The learned counsel for the petitioner contended that there was objection raised by the respondents on the maintainability of WP, the same was argued at the time of hearing and also placed reliance on a decision of the Constitutional Bench of the Hon'ble Apex Court in the case of “***Confederation of Ex-Servicemen Associations and Others Vs. Union of India and Others***” reported in (2006) 8 SCC 399 and also another decision of learned Division



Bench of this Court in W.A.No.313 of 2022 and batch dated 02.06.2023, to say that the WP is maintainable at the instance of the petitioner Association.

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5.On the other hand, learned Advocate General would submit that the Writ Petition was not dismissed solely on the ground of non-maintainability at the instance of the petitioner Association, but it was dismissed on various other grounds and also drawn the attention of this Court to paragraph no.10 of the order dated 30.10.2024, which is under review. He also placed reliance on a decision of the Hon'ble Apex Court in the case of ***Karnail Singh Vs. State of Haryana and others*** reported in (2024) SCC OnLine SC 961 and contended that the grounds of review raised in the present Review Application does not warrant review of the order passed by this Court.

6.This Court has carefully considered the submissions made by the learned counsel on either side and also perused the entire material available on record.

7.No doubt, this Court having taken note of the fact that the present Writ



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Petition has been filed by an Association, came to the conclusion that the present Writ Petition cannot be entertained, at the instance of the petitioner

Association. But it is not the only ground on which the Writ Petition was dismissed by this Court. This Court has considered the matter on merits as well.

In paragraph nos.10 & 11 of the order dated 30.10.2024 in W.P. No.17911 of 2018, this Court has observed as under:

“10. From the above background facts noted herein above, it is evident that the pay scales that were fixed under G.O (Ms) No.312, Finance (Pay Cell) Department, dated 26.08.2010 have not become final and now they are the subject matter of enquiry before the One Man Commission pursuant to an order passed in W.P (MD) No.17163 of 2020 and batch dated 04.04.2024. The petitioner association or its members are not aggrieved in strict sense with the impugned G.O (Ms) No.297, Finance (Pay Cell) Department, dated 22.07.2013, but they are seeking for fixation of higher pay scales than the pay scales that were fixed under the impugned Government Order in terms of G.O (Ms) No.312, Finance (Pay Cell) Department, dated 26.08.2010. When the very pay scales that were fixed under G.O (Ms) No.312, Finance (Pay Cell) Department, dated 26.08.2010 are the subject matter in a series of litigations before this Court as well as the Hon'ble Apex Court and the same is under consideration, pursuant to an order of remand passed by a learned Single Judge of this Court by an order dated 04.04.2024, in the considered view of this Court, the question of extending such pay scales, which have not become final, to the members of the petitioner association at this stage does not arise. It is not as if the members of the petitioner association herein were



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extended higher pay scales and then their pay scales were reduced, unlike the Public Works Department and other Departments.

11. Therefore, in the considered view of this Court, it is not appropriate for this Court to examine, as to whether the pay scales that were fixed under the impugned G.O (Ms) No. 297, Finance (Pay Cell) Department, dated 22.07.2013 is proper or not, at this stage, or to extend the pay scales on par with the Engineers, whose pay were fixed under G.O (Ms) No.312, Finance (Pay Cell) Department, dated 26.08.2010 at this stage, that too, at the instance of the petitioner association. If any individual Engineer or members of the petitioner association is aggrieved by fixation of pay in terms of G.O (Ms) No. 297, Finance (Pay Cell) Department, dated 22.07.2013, it would have been appropriate for such member/ Engineer to come forward before this Court by placing appropriate factual matrix and material in support of their contention, then this Court would be in a position to examine the same, basing upon the facts of the individual cases. But, at the instance of the petitioner association, in the considered view of this Court, it is not possible to examine the correctness or otherwise of the pay scales that were fixed under G.O (Ms) No. 297, Finance (Pay Cell) Department, dated 22.07.2013 at an appropriate stage.”

8. No doubt, in the decisions relied upon by learned counsel for the petitioner, the Hon'ble Apex Court as well as this Court have come to the conclusion that the Writ Petition can be entertained in the matter of service matters even at the instance of an Association or confederation of the Associations.



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9. In the decision of the learned Constitutional Bench, the learned Constitutional Bench took note of a decision of another Constitutional Bench in the case of “*D.S.Natarra Vs. Union of India*” reported in 1983(1) SCC 305, wherein, it was held that the Writ Petition at the instance of a registered Society is maintainable. The learned Constitutional Bench also took of the fact that the petitioner therein approached the Court ventilating the grievances of the large number of old and uniformed INFIRM retirees, who were individually unable to approach the Court for redressal of their grievances. So also in the decision of a learned Division Bench of this Court relied on by the learned counsel for the petitioner, the challenge was in respect of the Rules that are framed by the State, unlike in the present case.

10. In the present case, the members of the petitioner Association herein are all well educated and working as Engineers earning substantial amounts. No doubt, the Writ Petition may be maintainable at the instance of the Association under certain circumstances. But in the instant case, this Court, in the absence of factual matrix with reference to the pay scales that are being



drawn by the members of the petitioner Association, felt that it is not possible for this Court to adjudicate the matter in an effective manner at the instance of the petitioner Association. It is not as if the petitioner Association has placed factual matrix of any of its members before this Court for examining the matter in an effective manner.

11. In the circumstances, this Court is of the considered view that it is not a case for review, especially in the light of the recent decision of the Hon'ble Apex Court in the case of ***Karnail Singh Vs. State of Haryana and others*** cited supra.

12. Accordingly, this Review Application is dismissed. No costs.

21-08-2025

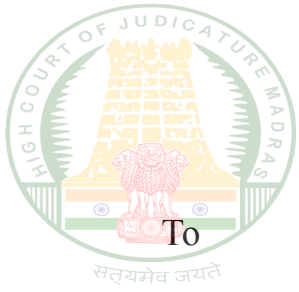
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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2.The Commissioner for
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MUMMINENI SUDHEER KUMAR, J.

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