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W.P.No.4747 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **27.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.4747 of 2016

N.Rathina

... Petitioner

-VS-

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
St. George Fort, Chennai.

2.The Commissioner of Municipal Administration,
Chennai – 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records with respect of the impugned order in G.O(Ms).No.128 dated 30.10.2006 passed by the 1st respondent and quash the same as far as fixation of pay of Rs.3200-85-4900 to the community organizer and restricting the date of bringing the petitioner in to time scale of pay with effect from 01.09.2006 is concerned consequently direct the 1st respondent to revise the pay and pension at the rate of Rs.4,000-100-6000 from the initial date of



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completion of three years consolidated pay service of the petitioner and disburse the same to the petitioner herein within a reasonable period.

For petitioner : Mr.R.Nalliyappan

For respondents : Mr.Alagu Gowtham,
Government Advocate

ORDER

Aggrieved by the refusal of the first respondent to fix the pay scale of the Community Organizers to the post of Assistant and restricting the date of bringing the petitioner into time scale of pay, the petitioner is before this Court.

2. The short facts of the case are set out hereinbelow.

2.1. The petitioner was appointed as Supervisor in Tamil Nadu Corporation for Development of Women Limited for a project with IFAD association. Thereafter, the petitioner and others who were working as Supervisor in the above project were absorbed by



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the second respondent vide his proceedings dated 31.12.1998 and then, the petitioner and others were taken in as Community Organisers in the Municipalities/Corporations under the scheme of Swarna Jayanthi Shahari Roazgar Yojana Scheme (SJSRY) in the year 2005. The petitioner and others were receiving the enhanced consolidated pay of sum of Rs.4,000/-.

2.2. Thereafter, considering their long service, the Government was inclined to bring them under time scale of pay. Therefore, the second respondent made a proposal to the 1st respondent to bring the Community Organisers who are working under SJSRY Scheme into time scale of pay applicable to the post of Assistant in the Tamil Nadu Municipal Service viz., Rs.4000-100-6000.

2.3. The first respondent, however, in his order in G.O.Ms.No.128, Municipal Administration and Water Supply (ME.1) Department, dated 30.10.2006, had fixed pay to the one



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applicable to the post of Junior Assistant viz., Rs.3200-85-4900.

Despite several representations, the first respondent had not considered the recommendation proposed by the second respondent. Therefore, the petitioner has come forward with the above writ petition.

3. The first respondent has filed a counter affidavit, in which, it is stated that the proposal made by the second respondent requesting to fix of pay for the Community Organisers equivalent to the post of Assistant was considered by the first respondent. It is further submitted that the first respondent had taken into consideration the nature of the work discharged by the Community Organisers and consulted with the Advisory Departments and after detailed consideration, it was decided to fix the Community Organisers into time scale of pay of Rs.3200-85-4900. A separate service rules for the post of Community Organisers in the name of the Tamil Nadu Municipal Community Development Service Rules, 2015, was framed and notified in G.O.Ms.No.35, Municipal



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Administration and Water Supply Department, dated 16.02.2016.

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The second respondent had adopted the counter affidavit filed by the first respondent.

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

5. The second respondent had only forwarded a proposal to the first respondent for their consideration. The first respondent, on considering the proposal and taking note of the other factors, had decided to upgrade the Community Organisers into time scale of pay of Rs.3200-85-4900. This was purely a policy decision that was taken by the Government. This Court cannot sit in the chair of the Government and frame rules. The petitioner has not been able to show that the decision of the first respondent is erroneous or discriminatory.

In these circumstances, I see no reason to interfere with the



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impugned order. Accordingly, this writ petition stands dismissed.

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No costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

ssa

To

- 1.The Secretary to Government,
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P.T.ASHA, J.,

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