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W.P.No.14633 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE Mrs.JUSTICE **N.MALA**

W.P.No.146333 of 2017

1. T.Sethuraman
2. K.Perumal
3. N.Kajendran
4. K.A.Basheer Ahamed
5. K.Kaliyappan
6. S.Ramarao
7. C.Jothi
8. S.Kathirvel
9. D.Chellappan
10. K.Pitchai
11. S.C.Maruthu
12. S.Duraiaraj
13. Sakthi Vairavan
14. K.Subash Chandra Bose
15. M.Singaram
16. R.Sivanathan
17. S.Kaliyaperumal
18. K.Sriramulu
19. N.Vijayarengan
20. D.Jayaraman
21. V.Selvam
22. R.Natarajan
23. A.Vijayakumar
24. C.Narasimman
25. G.Kannappan
26. R.Ramachandiran
27. K.S.Subramaniyan
28. S.Solai
29. E.Essakki
30. M.Subramanian



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31. Nainiammal
32. Krishnaveni
33. Malliga
34. Indirani
35. Devigarani
36. R.Krishnaveni
37. Deivanai
38. K.Manickam
39. P.Peratchi
40. S.Kaleeswari
41. J.Shyamala
42. R.Sithalakshmi
43. V.Kusalakumari
44. Ellammal
45. Tamilselvi
46. M.Anjalai
47. K.Kaveri
48. Fajulunisabegam
49. A.Geethanjali
50. V.Aadammai
51. G.Krishnammal
52. L.Periyanayaki

... Petitioners

Vs.

1. The Secretary to Government
Finance Department,
Fort St.George, Chennai
2. The Special Secretary to Government,
Finance (CMPC) Department,
Fort St.George, Chennai – 600 009
3. The Principal Secretary to Government,
Public Works Department,
Chennai – 600 009
4. The Engineer in Chief (W.R.O) and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 600 005

... Respondents



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Prayer :

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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to order passed by the 2nd respondent in Letter No.55838/CMPC/1999-1 dated 20.10.1999 and quash the same and further direct the respondents to revise the scale of pay of Work Inspectors Grade-II as Rs.1200-30-1560-40-2040 and the consequent revision at Rs.1400-40-1600-50-2300-60-2600 for Work Inspectors Grade-I in the ordinary Scale of Pay with effect from 01.06.1988 with consequential revisional benefits in the subsequent fixation and thereby revise the pension of the petitioners

For Petitioners : Mr.A.R.Nixon

For Respondents : Mr.R.Kumaravel
Additional Government Pleader

ORDER

The Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to order passed by the 2nd respondent in Letter No.55838/CMPC/1999-1 dated 20.10.1999 and quash the same and further direct the respondents to revise the scale of pay of Work Inspectors Grade-II as Rs.1200-30-1560-40-2040 and the consequent revision at Rs.1400-40-1600-50-2300-60-2600 for Work Inspectors Grade-I in the ordinary Scale of Pay with effect from 01.06.1988



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with consequential revisional benefits in the subsequent fixation and thereby revise the pension of the petitioners.

2. The main grievance of the petitioner is that the TWAD Board in pursuance of the orders of this Court, revised the scale of pay of Work Inspector's Grade II working in TWAD Board at Rs.1200-2040 with effect from 01.06.1988. The petitioners, who are working as Work Inspectors Grade II PWD and who are similarly placed were getting lesser pay than their counter parts in TWAD Board. The petitioners, therefore gave series of representations to the Government on 28.06.1999 for orders on their request for revision of scale of pay to the different grades of Work Inspector PWD, on par with their counter parts in TWAD Board. The Government vide impugned order rejected the request on grounds, interalia, that the work conditions and service Regulations of PWD and TWAD Board were different and the Government was not bound to adopt the service rules and pay scales of TWAD Board employees. Aggrieved by the said impugned order, the petitioners have filed this Writ Petition.

3. When similar matter went up to the Hon'ble Division Bench in W.A.Nos.346 to 349 of 2020, the Hon'ble Division Bench, by an order



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dated 21.12.2023, allowed the Writ Appeals and in Paragraph No.15 of the Judgment, it was held as follows:-

“15.In fine, these Writ Appeals are allowed and the order passed by the learned Single is set aside as well as the order impugned in the Writ Petitions are also set aside. The claim made by the appellants are remanded back to the second respondent herein for fresh consideration in the light of the letter issued by the Joint Chief Engineer, TWAD Board, dated 18.10.2010, made in letter No.054565/வேந்தன்/2010. Such exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. However there shall be no order as to costs.”

4. As the aforesaid Division Bench order squarely applies to the facts of the case, the Impugned order is set aside. The petitioners' claims are remanded back to the 2nd respondent for fresh consideration in the light of the letter issued by the Joint Commissioner, TWAD Board dated 19.10.2010. The 2nd respondent is further directed to pass orders within a period of twelve weeks from the date of receipt of copy of this order.

The present Writ Petition is allowed. There is no order as to costs.

13.09.2024

Index: Yes/ No
Internet: Yes/ No
Speaking Order/ Non Speaking Order



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To

1. The Secretary to Government
Finance Department,
Fort St.George, Chennai
2. The Special Secretary to Government,
Finance (CMPC) Department,
Fort St.George, Chennai – 600 009
3. The Principal Secretary to Government,
Public Works Department,
Chennai – 600 009
4. The Engineer in Chief (W.R.O) and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 600 005



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N.MALA,J.

ssd

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11.09.2024