



W.P.(MD)No.13729 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13729 of 2021

1.S.Sangan

2.S.Elumalai

3.A.Ammavasi

4.M.Chinnan

5.A.Muthiah

6.Madurai Mavatta Ooraga Valarchi Ullatchithurai Ooliyargal
Sangam,
Centre of Indian Trade Unions, Madurai Rural Committee (CITU),
Rep by its District General Secretary,
Pon.Krishnan,
S/o. Ponnaiah,
27F, Sarvodaya Main Salai,
Mapalayam,
Madurai – 16.

... Petitioners

Vs.

1.The Additional Chief Secretary to the Government,
Finance Department,
Fort. St. George,
Chennai – 9.



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- 2.The Additional Chief Secretary to the Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 9.
- 3.The Director of Rural Development and Panchayat Raj,
O/o. the Director of Rural Development and Panchayat Raj,
Chennai – 15.
- 4.The District Collector,
Madurai District.
- 5.The Personal Assistant to the District Collector,
Panchayat Development,
Madurai District.
- 6.The Assistant Director (Panchayats),
Madurai District.
- 7.The Treasury Officer,
Treasury Office,
Madurai.
- 8.The Block Development Officer,
Chellampatti Block,
Madurai District.
- 9.The Block Development Officer,
Usilampatti Block,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refix the salary of the petitioners working in the post of Over Head Tank Operators (consolidated pay) in accordance with the Government order in G.O.Ms.No.15, Rural Development and Panchayat Raj (E5) Department, dated 07.02.2011, G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and



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G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 by way of fixing Rs.2,400/- as consolidated pay with effect from 31.12.2015 and sum of Rs.4,900/- with effect from 01.07.2019 as monthly salary along with arrears and provide the same to the petitioners.

For Petitioner : Mr.G.Karthick
For M/s.Lajapathi Roy Associates
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The Writ Petition has been filed, to direct the respondents to refix the salary of the petitioners who are working as Over Head Tank Operators, appointed by G.O.Ms.No.15, Rural Development and Panchayat Raj (E5) Department, dated 07.02.2011, G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017, by fixing a consolidated pay of Rs.2,400/- with effect from 31.12.2015 and a sum of Rs.4,900/- with effect from 01.07.2019 as monthly salary along with arrears.

2.1.The petitioners were employed as Over Head Tank Operators, who were employed under consolidated pay basis. The 6th petitioner is the Trade Union, formed for the welfare of the employees working in Rural Development and Panchayat Raj Department. As per the Government order in G.O.Ms.No.15, Rural Development and Panchayat Raj (E5) Department, dated 07.02.2011, the



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consolidated pay for the post of Over Head Tank Operators was fixed in the Village Panchayat as Rs.2000/- with effect from 01.01.2011 in terms of G.O.Ms.No.234, dated 01.06.2009, as per the 6th Pay Commission, Dearness Allowance was also allowed to the Over Head Tank Operators. Based on the same, the petitioners were granted with Rs.2000/- with effect from 01.11.2011 and the Dearness Allowance to the tune of Rs.40/- was added to the salary every six months in accordance with G.O.Ms.No.234, dated 01.06.2009. Thus, as on 31.12.2015, the petitioners were receiving Rs.2,400/- as consolidated pay. However, shockingly without putting the petitioners on notice and without passing any orders, the Block Development Officers have cancelled the Dearness Allowance on the basis of the oral instruction given by the District Administration. Following which, from 2018, their pay was restricted as Rs. 2000/-.

2.2. Thereafter without including Dearness Allowance, 7th pay commission fixation was done on the basis of which, presently the petitioners were drawing a consolidated pay of Rs.2,300/- including a special allowance of Rs.200/-. But the petitioners are entitled to Rs.4,900/- with effect from 01.07.2019. Since the pay fixation came to be finalized without including the Dearness Allowance during the period of time from 01.01.2011 to 31.12.2015,



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the petitioners were put to serious deprivations, thereby causing a drastic fall in the consolidated pay. Hence, they submitted several representations to the respondents in this regard and last of which, were on 26.09.2019, 08.11.2019, 07.02.2020 and 12.03.2020. Based on these representations, the District Collector constituted a committee to review their pay grievances. However, the said Committee without looking into the actual grievances, had mechanically verified the 7th pay commission refixation and came to a conclusion that there is no pay anomaly. Thus, without redressing the petitioners grievance, the District Collector proceeded to fix the pay of the petitioners approving in line with the existing pay vide proceedings dated 01.09.2020. Hence, once again, the petitioners have submitted a detailed representation dated 30.04.2021, seeking to address their grievances, thereby, refixing their salary in accordance with G.O.Ms.Nos.15, 234 and 303 respectively. However, the same was not considered and hence, this Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned Special Government Pleader relying upon the proceedings of the District Collectorate (Development), Madurai, in Na.Ka.No.7807/2024/U.Va.11, dated 25.06.2024, submitted that the petitioners grievance was duly considered and refixation came to be effected and the consolidated pay of the petitioners as on



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01.01.2024 to be refixed as Rs.5000 + 200.

4. For the sake of convenience, the calculation table no.3 with respect to consolidated pay of Over Head Tank Operators is extracted as follows:-

[illegible]

5. Heard the learned counsel for the petitioner, the learned Special



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Government Pleader for the respondents and carefully perused the materials available on record.

6.The plight of the petitioners is that when the pay of the petitioners were refixed at the first instance, during 2011 – 2015, their basic pay sought to have been taken including the adhoc increase of Rs.40/- per year at Rs.2,400/-. The said exercise has not been done as the result of which, the petitioners are continuously suffering pay anomaly, which is not rectified even in the refixation made by the respondents as on 01.01.2024.

7.In view of the same, giving liberty to challenge the proceedings of the District Collector, Madurai, dated 25.06.2024, this Writ Petition is disposed of. There shall be no order as to costs.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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