



W.P(MD)No.17701 of 2021

WEB CO **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.04.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.17701 of 2021

P.Balu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Industries (MME-1) Department,
Secretariat
Chennai - 9.

2.The Managing Director,
Tamil Nadu Minerals Ltd.,
No.31, Kamarajar Salai,
Chennai 600 005.

3.The Factory Manager,
TAMIN Graphites Plant,
Jayanthi Udaiyanathapuram,
Sakkanthi Post,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order by the second respondent vide



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Proces.No.6366/E4/2021 dated 02.03.2021 and quash the same as illegal and consequently direct the first respondent to refix the scale of pay of the petitioner as 4000-100-6000 instead of Rs.3625-85-4900 notionally with effect from 01.01.1996 and with monetary benefits from 01.01.1998 on the light of the G.O.(Ms)No.458 Finance (Pay Cell) Department dated 31.08.1998.

For Petitioner : Mr.S.Arivalagan
For 1st Respondent : Mr.C.Sathesh
Government Advocate
For Respondents 2 & 3 : Mr.A.K.Manickam
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the second respondent vide Proces.No.6366/E4/2021 dated 02.03.2021 and to direct the first respondent to refix the scale of pay of the petitioner as 4000-100-6000 instead of Rs.3625-85-4900 notionally with effect from 01.01.1996 and with monetary benefits from 01.01.1998 on the light of the G.O.(Ms)No. 458 Finance (Pay Cell) Department dated 31.08.1998.

2.The petitioner having qualification in SSLC and Industrial Training Certificate in the Trade of Electrician was sponsored through



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employment exchange and was appointed in Tamil Nadu Minerals Limited Graphic Beneficiation Plant at Sivagangai as a Electrician Trainee by an order of the second respondent dated 01.03.1994. On completing his probation period, his appointment was regularized by the proceedings of the second respondent dated 20.04.1995 and he was made permanent on 13.03.1997. This Writ Petition came to be filed, challenging the order passed by the second respondent dated 02.03.2021, negating the requisition for pay revision as per Factory Manager, Sivaganga letter dated 01.10.2019 and an order dated 09.03.2020, in which similarly placed Special Grade Electrician's pay was revised.

3. When the matter was called up for hearing, the learned counsel for the petitioner drew my attention to the various orders of similar placed Junior unskilled employees of the petitioner being considered and pay revision being granted and implemented. Likewise, the case of the petitioner has been considered by the second respondent as early as on 28.07.2008 and 05.01.2012 for pay revision and was recommended to the first respondent. But the same was not implemented and was kept pending till 02.03.2021, when the impugned order came to be passed



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rejecting the petitioner's claim for pay revision. The said rejection order was passed by the second respondent, without authority. The Hon'ble Supreme Court has passed favorable orders in Special Leave Petition in S.L.P.(Civil) Diary No.15083 of 2020 dated 11.01.2021, favorable to the similarly placed persons, in which the first respondent was directed to consider similar cases favorably to the unskilled employees.

4.The respondents 2 and 3 have filed a counter and the learned Special Government Pleader for the respondents 2 and 3 submitted that the second respondent has rightly passed an order dated 02.03.2021 rejecting his illegitimate claim for revision of pay. Hence, he pressed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, the learned Special Government Pleader appearing for the respondents 2 and 3 and carefully perused the entire materials available on record.



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6.In view of the same, considering the fact that the first respondent is the competent authority to pass orders on requisition for pay fixation, the impugned order dated 02.03.2021 is quashed and the entire file pertaining to pay revision is forwarded to the first respondent and the first respondent on receipt of the same, is directed to pass appropriate orders for pay revision implementing the order passed by the second respondent dated 03.04.2014, in the line of G.O.Ms.No.458, Finance (Pay Cell) Department dated 31.08.1998 and existing G.Os., within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

30.04.2024

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



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To

- 1.The Principal Secretary to Government,
Industries (MME-1) Department,
Secretariat
Chennai - 9.
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L.VICTORIA GOWRI, J.

Mrn

Order made in
W.P(MD)No.17701 of 2021

30.04.2024