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W.P.(MD) No.20823 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.20823 of 2018

1.R.Ilangovan

2.M.Jayaraman

3.V.Vaiyanan

4.M.Saravanamuthukumar

5.R.Chinnasamy

... Petitioners

-vs-

1.The State of Tamilnadu
rep.by its Principal Secretary
Finance (Pay Cell) Department
Fort St.George, Chennai-600 009

2.The Secretary to
Hon'ble Chief Minister
Government of Tamil Nadu
Fort St.George
Chennai-600 009



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3.The Chief Secretary to
Government of Tamil Nadu
Fort St.George
Chennai-600 009

4.The Principal Secretary
Department of School Education
Government of Tamil Nadu
Fort St.George
Chennai-600 009

5.The Director of School Education
Directorate of School Education
D.P.I.Complex, College Road
Chennai-600 006

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to rectify anomalies in the VII Pay Commission Pay Scales in respect of the petitioners and to re-fix the scales of pay within the time to be stipulated by this Court.

For Petitioners : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate



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ORDER

The petitioners seek for rectification of their pay anomalies in the VII Pay Commission Pay Scales and to refix their scales of pay on rectification of their pay anomalies.

2. According to the petitioners, despite they having higher educational qualifications, VII Pay Commission Pay Scales have not addressed the cases where the employees are having higher educational qualifications as that of the case of the petitioners herein. Under those circumstances, the petitioners have given a representation on 12.11.2017 to the respondents seeking to rectify their pay anomalies in the VII Pay Commission Pay Scales and to refix their pay scales. Since the representation of the petitioners has not been considered by the respondents, the petitioners have filed the present writ petition.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioners and they have categorically stated that this writ petition is not maintainable for the following reasons:



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- (a) The petitioners have not challenged the VII Pay Commission Pay Scales and without challenging the same, they cannot seek for a mandamus, as sought for in this writ petition.
- (b) Even on merits, the petitioners do not have a case, since a particular category of employees cannot make a prayer against the State Government for a specific quantum of scale of pay, since fixation of scale of pay to the employees is the prerogative of the State Government.

4. Admittedly, the representation of the petitioners, as stated supra, has not been considered by the respondents on merits and in accordance with law, by passing final orders. Though the relief sought for in this writ petition is objected by the respondents, as seen from their counter affidavit, this Court is of the considered view that no prejudice will be caused to any of the parties, if the representation of the petitioners, as stated supra,



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is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioners' representation dated 12.11.2017, seeking to rectify their pay anomalies in the VII Pay Commission Pay Scales and to refix their pay scales on rectification of their pay anomalies, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the petitioners' claim and it is for the first respondent to consider the same on merits and in accordance with law.

6. With the above direction, this writ petition is disposed of. No costs.

20.08.2024

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

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To:

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- 2.The Secretary to
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ABDUL QUDDHOSE, J.

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