



WEB COPY

WP No. 16362 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 16362 of 2018

1. K.S.Vijayaragavan
Deputy Manager (Retd)
O/o. District Environment Engineer,
Tamil Nadu Pollution Control Board,
Trichy.
Residing at:
Sri Annai illam,
13, NMK Colony, 6th cross,
TVS Toll Gate, Jamal Mohamed
College (Post),
Trichy – 620 020.

Petitioner(s)

Vs

1. The Principal Secretary to
Government,
Environment and Forests Department,
Fort St. George, Secretariat,
NKM Building – VII Floor,
Chennai – 600 009.

2. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,



Guindy, Chennai – 600 032.

3. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.

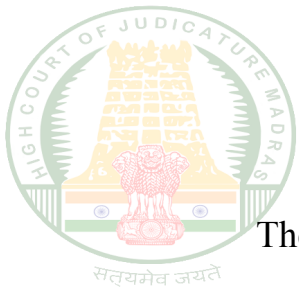
4. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order Letter No.20474/EC.2/2017-1 Environment & Forests (EC.2) Department dated 21.11.2017 passed by the Principal Secretary to Government (the first respondent), to quash the same and consequently to direct the respondents to fix the pay of the petitioner in 15600-39100 (PB-3) with GP 5700 w.e.f 12.12.2007 based on Government Letter No.63305/Pay Cell / 2010-5 Finance (PC) Department dated 30.11.2010 consequently to revise the pension and other pensionary benefits.

For Petitioner(s): Mr.R.Pandian

For Respondent(s): Mr.S.Rajesh
Government Advocate
for R1 and R4
Mrs.Madhuri Donti Reddy
Standing Counsel for TNPCB
for R2 and R3

**ORDER**

The writ petition has been filed to call for the records pertaining to the impugned order in Letter No.20474/EC.2/2017-1 Environment & Forests (EC.2) Department dated 21.11.2017 passed by the Principal Secretary to Government (the first respondent), to quash the same and consequently to direct the respondents to fix the pay of the petitioner in Rs.15600-39100 (PB-3) with GP 5700 w.e.f 12.12.2007 based on Government Letter No.63305/Pay Cell / 2010-5 Finance (PC) Department dated 30.11.2010 and consequently to revise the pension and other pensionary benefits.

2. The petitioner has retired from service on 31.01.2012 as Deputy Manager in Tamil Nadu Pollution Control Board. The Government has issued an order in G.O.Ms.No.250 Finance (BPE) Department, dated 17.06.2009 in order to challenge the pay structure of State Public Sector Undertakings and Boards equivalent to the pay structure of similar posts held by the Government Departments. Subsequent to the implementation of the Pay Commission recommendation, the pay scale of the staff working in Tamil Nadu Pollution Control Board were also modified. But the pay scale of the persons who were holding the post of Assistant Manager – Selection Grade were wrongly compared with the Superintendent in the Government Departments and hence their pay has been fixed with pay scale of Rs.9,300-34,800+5,100 G.P. instead of fixing at Rs.15,600-39,000/-+5,700 G.P. Until the implementation of the 7th Pay Commission, the pay scale for the ministerial staff at Tamil Nadu Pollution



Control Board was equivalent to the ministerial staff in non-inter transferable post in the Government departments.

WEB COPY

3. When the petitioner was promoted to the post of Assistant Manager (Selection Grade) on 24.06.2004, his pay was fixed at Rs.6,500-200-10,500/-. The said pay scale was upgraded to Rs.7,500-250-12,500 with effect from 12.12.2007 as per letter dated 17.08.2009. Though the said Government letter has been implemented for ministerial staff in the Government departments, the same was not implemented to those who are working in the Public Sector Undertakings and the Boards. Hence the petitioner has sent a representation on 24.10.2017 to the first respondent and in response to the same the first respondent has sent a letter on 21.11.2017 by rejecting the request of the petitioner.

4. According to the petitioner the said order has not been passed after considering the essential aspects and the materials and hence it is liable to be quashed.

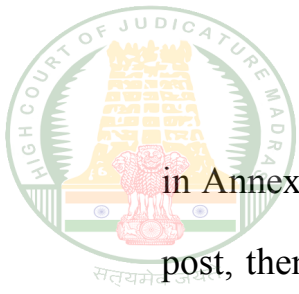
5. The learned Government Advocate for the first respondent submitted that the Government Order in G.O.Ms.No.250 Finance (BPE) Department, dated 17.06.2009 have been issued to allow the revised scale of pay of Rs.9,300-34,800 + 4,800 G.P. to the Superintendent of the State Public Sector Undertakings on par with ministerial Superintendent to mitigate the past



disparity. However the pay scale of Superintendent selection grade of Deputy Manager was not mentioned in the said Government Order. The revised scale of pay of Rs.5,700-175-9,200 G.P. and Rs.7,000-225-11,500 G.P. of ministerial superintendents were not extended to Board employees.

5.1. The above pay revision will give the monetary benefit from 12.12.2007 in the case of Superintendents and its promotional post for whom the scale of pay has been revised with effect from 12.12.2007 as per G.O.Ms.No.234 Finance (Pay Cell) Department dated 01.06.2009. In the case of others the pay has been revised to Rs.9,300 – 34,800 + 4800 G.P. notionally with effect from 12.12.2007 and with monetary benefit from 01.08.2010 based on the recommendation of One Man Commission.

5.2 The above benefit is available subject to the fulfillment of the condition stipulated in Clause 4(1) of Government letter No.63305/Pay Cell/2010-1 dated 08.11.2010. As per Clause 4(1) the revised selection grade, special grade scale of pay in case of the employee awarded with selection grade and special grade prior to 01.01.2006 and in whose cases the ordinary grade scale of pay got revised based on the recommendation of One Man Commission, shall be fixed as per the scale of pay indicated in Annexure I by following the methodology of fixing the selection grade / special grade as indicated in Appendix 2 of G.O.Ms.162. Finance (PC) Department dated 13.04.1998. In the revised selection grade, special grade scale of pay indicated



in Annexure I is seen to be higher than the first and second level promotional post, then the revised selection grade and special grade scale of pay should be restricted to the first and second level promotion post respectively. The same is being followed in respect of the Tamil Nadu Pollution Control Board employees also.

6. It appears that consequent to the issuance of Government Letter No.63305/Pay Cell/2010-1 dated 08.11.2010, the Government has issued another letter in Letter No.15682/EC.2/2014-8 dated 25.01.2017. The said letter makes a reference about the Finance Department Letter No.63305 /PC / 2010-5 dated 30.11.2010 which states that Clause 4(i) is applicable to all the categories including the post of Superintendent. Hence the pay of the Assistant Manager ordinary grade in Tamil Nadu Pollution Control Board has been fixed at Rs.9,300-34,800+4800 G.P. and the Selection Grade pay has to be restricted to the first level promotion i.e the scale of pay of Deputy Manager at Rs.9,300 - 34,800 + 5,100 G.P. However, in the impugned order, instead of restricting the reasons for rejection to the stipulations contemplated under Clause 4(i) of Letter No.63305 /PC / 2010-5 dated 30.11.2010, an unintentional mention about the non-intertransferable post has been made. The above mention is totally unnecessary and not connected to the matter in dispute.

7. In fact in Letter No.63305 /PC / 2010-5 dated 30.11.2010 where reference has been made about the non-intertransferable post has to be read



along with the Letter No.63305/Pay Cell/2010-1 dated 08.11.2010. But the petitioner has selectively relied only on the letter dated 30.11.2010 by including the earlier Government Letter dated 08.11.2010.

8. It is not the case of the petitioner that the Selection Grade and Special Grade in the post of Superintendent is less than the next level promotion post of Deputy Manager. Without establishing the same the petitioner cannot claim that the impugned order is wrong. As the impugned order dated 21.11.2017 has not passed properly in a comprehensive manner by reading the various letters including the letter No.15682/EC.2/14-8 dated 25.01.2017 in a proper perspective and assigning right reasons for rejection, I feel the matter has to be remitted back to the first respondent to consider the representation of the petitioner and pass orders afresh.

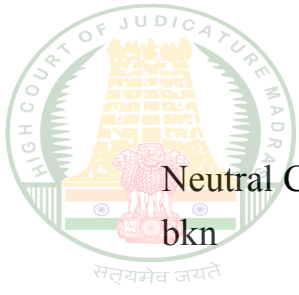
9. In view of the above stated reasons, the Writ petition is disposed by remitting the matter back to the file of the first respondent and the first respondent is directed to consider the representation of the petitioner and pass orders afresh in the light of all the Government Orders mentioned above, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

16-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

bkn

WEB COPY

To

1. The Principal Secretary to
Government,
Environment and Forests Department,
Fort St. George, Secretariat,
NKM Building – VII Floor,
Chennai – 600 009.
2. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
3. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
4. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.



WEB COPY

WP No. 16362 of 2018



R.N.MANJULA J.

bkn

WP No. 16362 of 2018

16-04-2025