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WP No. 11087 of 2017 & 8173 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No.11087 of 2017 and 8173 of 2018
and WMP No.12028 and 2017 and 10163 of 2018**

General Secretary,
Tamil Nadu Electricity Board,
Accounts and Executive Staff Union,
29, Meeran Sahib Street, Chennai-2.

... Petitioner in W.P.no.11087 of 2017

The Management of Tamil Nadu
Electricity Board, Nadippisai Pulavar
K.K.R.R. Maligai, 10th Floor, No.144, Anna
Salai, Chennai-600 002.

... Petitioner in W.P.no.8173 of 2018

Vs

1. The Management of Tamil Nadu
Tamilnadu Electricity Board,
Nadippisai Pulavar K.K.R.R. Maligai,
10th Floor, No.144, Anna Salai, Chennai-600 002.

2.The Presiding Officer,
The Industrial Tribunal, Tamil Nadu, Chennai-600 104.

... Respondents in W.P.No.11087 of 2017

1. The General Secretary,
Tamil Nadu Electricity Board Accounts and Executive
Staff Union, No.29, Meeran Sahib Street, Chennai-600
002.

2.The Presiding Officer,
The Industrial Tribunal, Tamil Nadu, Chennai-600 104.

Respondents in W.P.No.8173 of 2018

Prayer in W.P.No.11087 of 2017: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the first respondent to implement the award passed by the second respondent in ID No.18 of 2012 dated



23.05.2016.

Prayer in W.P.No.8173 of 2018 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the papers and proceedings culminating in the award dated 23.05.2016 in ID. No.18 of 2012 on the file of the Industrial Tribunal at Chennai and quash the same.

For Petitioner(s): Mr. A.Arumugam
in W.P.no.11087 of 2017
Mr.K.Rajkumar
in W.P.no.8173 of 2018

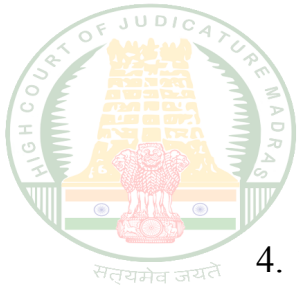
For Respondent(s): M/s.K.Rajkumar for R1 in
W.P.No.11087 of 2017
R.Arumugam For R1
in W.P.No.8173 of 2018
R2- Court

COMMON ORDER

Since the issues involved in both the writ petitions are one and the same, both are disposed by way of this common order. For the sake of convenience, the parties are referred to as the Union and the Board.

2. W.P.No.11087 of 2017 has been filed seeking a direction to the first respondent to implement the award passed by the second respondent in ID No.18 of 2012 dated 23.05.2016.

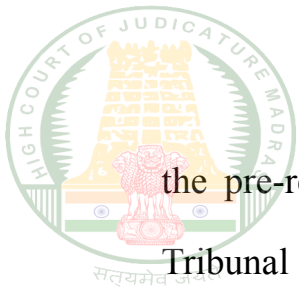
3. W.P.No.8173 of 2018 has been filed seeking to quash the proceedings culminating in the award dated 23.05.2016 in ID. No.18 of 2012 on the file of the Industrial Tribunal at Chennai.



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4. The petitioner in W.P.No.11087 of 2017 is a registered Trade Union and recognised by the first respondent Board representing large number of employees working in the first respondent Board. By B.P.Ms.No.288(SB) dated 03.12.1979 Selection grade scheme was introduced to the employees of the Board. The Union raised a dispute before the Government as if the selection grade was granted in favour of the Revenue Supervisor and they were stagnated in the same post without any promotion for a period of nine years. Therefore, the State Government referred the matter before the Industrial Tribunal. The Industrial Tribunal allowed the claim statement filed by the Union. Challenging the said order, the Board filed a writ petition seeking to quash the said order. To implement the said order, the Union has filed another writ petition before this Court.

5. The learned counsel for the Board submitted that the Tribunal ought to have considered that the parties had already signed a settlement dated 15.10.2005 and consequent order of the Board dated 16.10.2005 whereby a specific scale of pay for the next higher grade of the revenue supervisors viz., Selection Grade. The Tribunal ought to have considered that the order for revision of selection grade scale of revenue supervisor was issued dated 08.02.2006 after issue of wage revision board's proceeding and after the lapse of option time of three months. Hence, it is ordered that the revised selection grade shall be allowed only after fixation in the revised scale of pay and not in



the pre-revised scale of pay. The learned counsel further submitted that the Tribunal erred in accepting that claim of the first respondent which is arbitrary and unreasonable when there is a specific order to fix the revised selection grade scale after fixation of revised scale of pay. Hence, this Court may quash the impugned order passed by the second respondent.

6. The learned counsel for the Union submitted that after considering the entire oral and documentary evidence, this Tribunal has passed award holding that the selection grade revenue supervisors who have placed on selection grade as on 01.01.2003 are eligible to receive the pay in the pay band of Rs.8100-275-15525 and not on the pre-revised scale of pay. In spite of several letters sent by the Union, the Board did not implement the award. This Court may direct the Board to implement the same within the stipulated time as fixed by this Court.

7. Heard the learned counsel for the Union and the learned counsel for the Board and perused the materials available on record.

8. The members of the union are working with the Board as Revenue Supervisors and the workmen claimed that they were not given promotion and they have stagnated for more than nine years in the same post, in which, they are entitled to claim selection grade on completion of 9 years on the date of entering into as Revenue Supervisor. The Union has claimed that they have already granted selection grade and the same was sought to be recovered from



them on the basis of audit objection. Therefore, the Union has raised a dispute before the Government. In turn, the Government referred the matter before the Tribunal. However, the issue can be easily resolved in terms of the Court proceedings. The Tribunal has also rightly assessed the issue and holding that the persons, who are completed nine years of service in the particular post, they are entitled to be fit for the selection grade scale of pay in terms of the Court proceedings dated 08.02.2006.

9. In such circumstances, this Court directs the Board to pay selection grade scale of pay to the persons who are rendered service as a Revenue Supervisor for more than nine years as Revenue Supervisor without any promotion, if not already paid.

10. With the above direction, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03-04-2025

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.DHANDAPANI,J.

WEB 1. The Management of Tamil Nadu
Electricity Board,
Nadippisai Pulavar K.R.R.Maligai,
10th Floor, No.144, Anna Salai,
Chennai-2.

2. The Presiding Officer,
Industrial Tribunal, Tamil Nadu,
chennai-14.

3. General Secretary,
Tamil Nadu Electricity Board,
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