

(2011) 02 MAD CK 0414

In the Madras High Court

Case No : Writ Petition No. 27313 of 2010

C. Angusamy and Others

APPELLANT

Vs

The Member Secretary Tamil Nadu Pollution Control Board
and The Chairman Tamil Nadu Pollution Control Board

RESPONDENT

Date of Decision : 28-02-2011

Acts Referred:

Citation : (2011) 02 MAD CK 0414

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : M. Ravi, for the Appellant; Ramanlal, for the Respondent

Final Decision : Allowed

Judgement

Vinod K. Sharma, J.—The Petitioners have approached this Court, with the prayer for issuance of a writ in the nature of Mandamus, directing the Respondents to implement the Selection Grade and Special Grade Scale of Pay as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs. 5000/- and 5500/- respectively to the Petitioners Drivers with effect from 01.01.1996, with all consequential monetary benefits and arrears of pay.

2. The Petitioners are drivers, serving with the Tamil Nadu Pollution Control Board, which is Tamil Nadu Government Undertaking. Tamil Nadu Pollution Control Board, vide Board's Resolution No. 239-2-4 dated 09.11.2010, decided to implement the rules and regulations on par with Government, with regard to service matters and pay structures etc., to the employees of the Board.

3. The case of the Petitioners is that in view of revision of pay scale by the State Government, the Petitioners are also entitled to the benefit of revision of pay scale and also Selection Grade and Special Grade Scale of Pay, as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules, 1998, at Rs. 5000/- and 5500/- respectively with effect from 01.01.1996.

4. It is not in dispute that this writ is squarely covered by the decision of this

Court in W.P. No. 22919 of 2010 (Tamil Nadu Govt. Dept. retired vehicle drivers welfare Association v. Government of Tamil Nadu) wherein, this Court, in paragraph 7, was pleased to direct as under:

In view of the above decisions, the relief sought for in this writ petition, has to be granted and accordingly, the members of the Petitioner's association are entitled to the benefit of G.O. Ms. No. 162 Finance (Pay Cell) Department dated 13.4.1998. Accordingly, a mandamus is issued to the Respondents to re-fix the pay of members of the association, in selection and special grade scales of pay, adopting the scale of Rs. 5,000-150-8,000/- Rs. 5,500-175-9,000, as the case may be as per G.O. Ms. No. 162, Finance (Pay Cell) dated 13.04.1998 and consequently, pay the revised pension and arrears of difference in salary and arrears of difference in pension w.e.f. 01.01.1996, based on such re-fixed scale of pay to retired Drivers the members of the Petitioners Association herein, within a period of four months from the date of receipt of a copy of this order.

5. In view of the order passed by this Court, this writ petition is allowed in the same terms, by directing the Respondents to re-fix the pay of the Petitioners, in selection and special grade scales of pay adopting in the scale of Rs. 5000-150-8000/- and Rs. 5500-175-9000/- as the case may be as per G.O. Ms. No. 162, dated 13.4.1998, with all consequential benefits.

6. The needful be done within four months of receipt of certified copy of this order. No costs.