

IN THE HIGH COURT OF JUDICATURE AT MADRAS

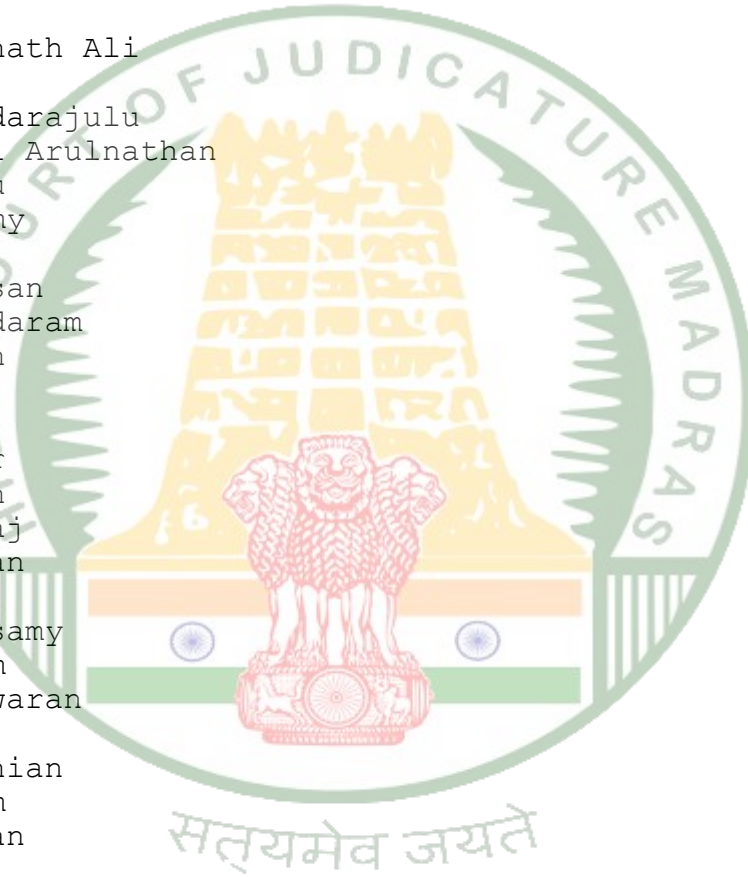
Dated : 28.02.2011

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THE HONOURABLE MR.JUSTICE VINOD K.SHARMA

W.P.No.27313 of 2010

1. C.Angusamy
2. N.Raghu
3. E.M.Liyaghath Ali
4. C.Mani
5. T.R.Govindarajulu
6. I.Paradesi Arulnathan
7. K.Rajaguru
8. V.Muthusamy
9. V.Mani
10. V.Venkatesan
11. K.Balasundaram
12. N.Krishnan
13. M.Selvam
14. V.Kannan
15. S.Dhivakar
16. S.Chandran
17. P.Sidhu Raj
18. G.Manogaran
19. M.Devadas
20. M.Govindasamy
21. G.Arumugam
22. T.Rudreshwaran
23. R.Sampath
24. A.Subramanian
25. G.Bakkiyam
26. S.Sebastian
27. V.Selvin
28. C.Gowthaman
29. P.Sekar
30. K.Rajendran
31. M.Chellappa
32. A.Balakrishnan
33. S.Nainiyappa Udaiyar
34. P.Parthasarathy
35. P.Manoghar
36. K.Balasubramanian
37. S.Saravanan
38. P.Radhakrishnan
39. K.Arumugam



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40. R.Vishwanathan
41. A.Balamurugan
42. S.Meghanathan
43. A.Chandrasekaran
44. K.Rajendran
45. K.S.Manogaran
46. M.R.George
47. R.Singaravelu
48. M.Meghanathan
49. D.Munuswamy

... Petitioners.

vs.

1. The Member Secretary
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 600 032.
2. The Chairman
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 600 032.

... Respondents.

Petition under Article 226 of the Constitution of India praying to issue a writ 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 from 01.01.1996 with all consequential monetary benefits and pay all arrears within a stipulated time.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.Ramanlal

O R D E R

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 (TamilNadu Govt. Dept. retired vehicle drivers welfare Association Vs. 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.

Sd/
Deputy Registrar

/true copy/

Sub Asst.Registrar

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To

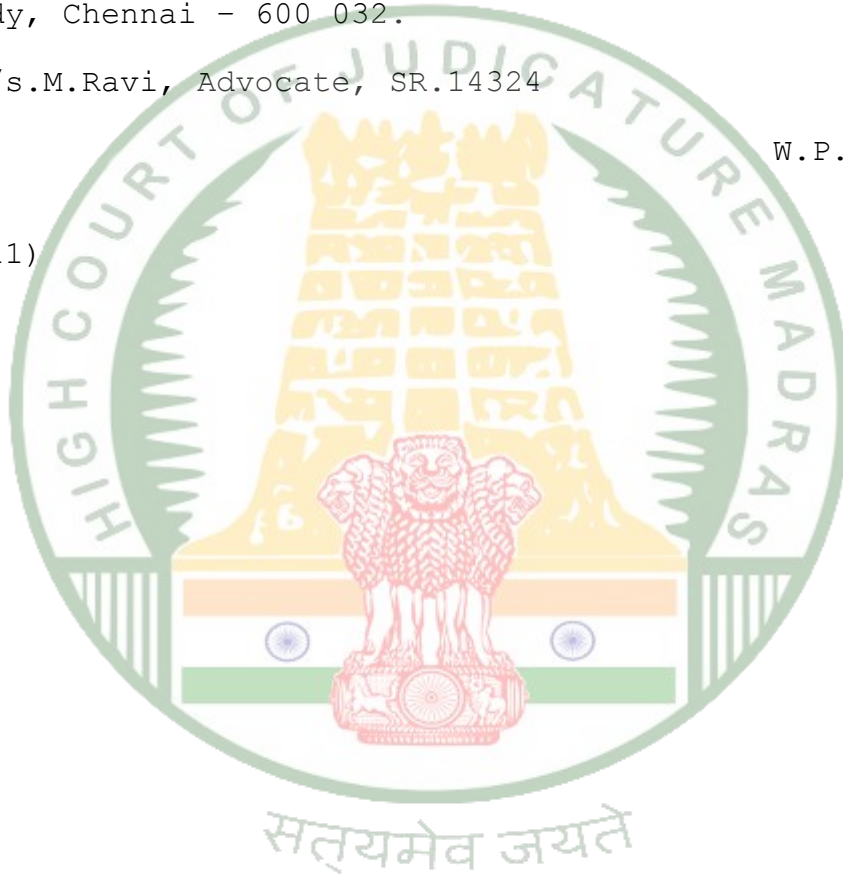
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1 cc To M/s.M.Ravi, Advocate, SR.14324

W.P.No.27313 of 2010

KJ (CO)
RH (16.3.11)



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