

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.25007 to 25011 of 2015

K.Duraimuthu ... Petitioner in W.P.No.25007/2015
R.Santhanam ... Petitioner in W.P.No.25008/2015
G.V.Loganathan ... Petitioner in W.P.No.25009/2015
D.Mohanraj ... Petitioner in W.P.No.25010/2015
A.N.Deenadayalan ... Petitioner in W.P.No.25011/2015

Vs.

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSS Board),
No.1, Pumping Station Road,
Chintaderipet, Chennai - 600 002.

2.The General Manager,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSS Board),
No.1, Pumping Station Road,
Chintaderipet, Chennai - 600 002.

3.The Commissioner,
Corporation of Madras,
Chennai-3.

4.The Secretary to Government
Department of Local Administration,
Fort St.George, Chennai-600 009.

5.The Secretary to Government
Finance (Pay Cell) Department,
Fort St.George, Chennai-600 009.

... Respondents
in all WP

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to fix and revise the pay in the post of Time Keeper in the Time Scale of pay of Rs.950-20-1500 as per G.O.Ms.No.582 Finance (Pay Cell) dept dated 01.08.1992 with effect from 01.06.1988 notionally and from 01.04.1992 with monetary benefits more particularly as ordered in W.P.No.29394/2008 dated 21.11.2011 and as confirmed by the order dated 18.6.2014 in W.A.No.2401/2012.

For Petitioner : Mr.S.Arunachalam
(in all 5 cases)

For Respondents : Mr.M.Jothikumar (R1 & R2)
(in all 5 cases) Mr.S.Saravanan (R3)
Mr.R.Vijayakumar,
Additional Government Pleader
(R4 & R5)

C O M M O N O R D E R

By consent, all the Writ Petitions are taken up for final disposal.

2.The petitioner in W.P.No.25007 of 2015 would state that he was originally appointed as Time Keeper in the services of the 3rd respondent Corporation of Chennai during the year 1972 and subsequently, confirmed as Time Keeper during the year 1978 and at the time of formation of Madras Water Supply and Sewerage Board (MWSSB), the staff and workers were drawn from the Departments of erstwhile Water Works Department and Special Works Department of Madras, Municipal Corporation. The petitioner was one such person and absorbed as Time Keeper in the services of the then Corporation of Madras, now Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB). The petitioner continued to work in that capacity till the date of retirement on 31.05.2014.

3.Originally, there were 55 different posts in the Labour Establishment in the 1st respondent Board and later re-grouped and reduced to 14 posts as per the proceedings of the 1st respondent dated 26.09.1988 and further integrated 18 other posts and reduced to 8 categories of posts, vide proceedings of the Labour Records Department dated 25.05.1999. The 1st respondent Board is always following the pay scales of the employees as applicable to the Labour Establishment of the 3rd respondent Corporation of Chennai, based on the recommendations of Tamil Nadu Pay Commission. After the merger and re-grouping, there is only one designation as Time Keeper in the 1st respondent Board. The Assistant Overseer in the services of the 3rd respondent, who joined as Time Keeper, were also given the revised scale of pay, whereas the petitioner has been denied such payment.

4.The petitioner would further state that in similar facts and circumstances, one Thiru.R.Soundarajan filed a Writ Petition in W.P.No.29394 of 2008 and prayed for quashment of the order rejecting his request with a consequential direction to fix the revised pay in his post of Time Keeper as Rs.950-20-1500 on par with those of similarly placed persons, as per G.O.Ms.No.582 Finance (Pay Cell) Department dated 01.08.1992 with effect from 01.06.1988 notionally and from 01.04.1992 with monetary benefits. The Writ Petition, after contest, came to be allowed as prayed for, vide order dated 21.11.2011. A challenge was made by the Managing Director - CMWSS Board in W.A.No.2401 of 2012, which was also dismissed, vide judgment dated 18.06.2014 and therefore, there cannot be any impediment on the part of the 1st respondent Board to give similar benefits to the petitioner. In this regard, a representation was also submitted to the 1st respondent. Since no orders have been passed, the present Writ Petition has been filed.

5. The petitioner in W.P.No.25008 of 2015 would state that he was employed as Time Keeper in the services of the 3rd respondent Corporation of Chennai during the year 1977 and appointed as Time Keeper during the year 1978 and until his retirement on 31.03.2005, he worked in that capacity and also prayed for the similar relief.

6.The petitioner in W.P.No.25009 of 2015 would state that he was originally employed as a Worker in the services of the 3rd respondent Corporation of Chennai during the year 1971 and subsequently confirmed as Time Keeper during the year 1978 and after formation of the 1st respondent Board, he joined as Time Keeper during 1978 and worked in that capacity till his retirement on 31.05.2006 and also prayed for similar relief.

7.The petitioner in W.P.No.25010 of 2015 would state that he was originally employed as Time Keeper in the services of the 3rd respondent Corporation of Chennai on 13.10.1973 and appointed as Time Keeper in the services of the 1st respondent Board during the year 1978 and until his retirement on 29.02.2008, he worked in that capacity and also prayed for the similar relief.

8. The petitioner in W.P.No.25011 of 2015 would state that he was originally appointed as a Road Worker in the services of the 3rd respondent Corporation of Chennai during the year 1972 and subsequently confirmed as Time Keeper during the year 1978 and absorbed in the services of the 1st respondent Board during 1978 and worked in that capacity till his retirement on 31.05.2004 and also prayed for the similar relief.

9. The learned counsel for the petitioner has drawn the attention of this Court to the Writ Petition as well as to the Writ Appeal, in the similar facts and circumstances where the Writ Appeal was confirmed in favour of an employee, who was similarly placed. In this regard, the petitioners have also submitted individual

representations and prays for appropriate orders.

10. Heard the submissions of the learned counsel for the petitioner, Mr.M.Jothikumar, learned counsel for the respondents 1 & 2, Mr.S.Saravanan, learned counsel for the respondent no.3 and Mr.R.Vijayakumar, learned Additional Government Pleader for the respondents 4 & 5.

11.Though the petitioners prayed for larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioners' representations dated 04.10.2014 and 06.04.2014, on merits and in accordance with law, after taking into consideration the order dated 21.11.2011 made in W.P.No.29394 of 2008 and the judgment dated 18.06.2014 made in W.A.No.2401 of 2012 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

12.The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

va

To

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSS Board),
No.1, Pumping Station Road,
Chintaderipet, Chennai - 600 002.

2.The General Manager,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSS Board),
No.1, Pumping Station Road,
Chintaderipet, Chennai - 600 002.

3.The Commissioner,
Corporation of Madras,
Chennai-3

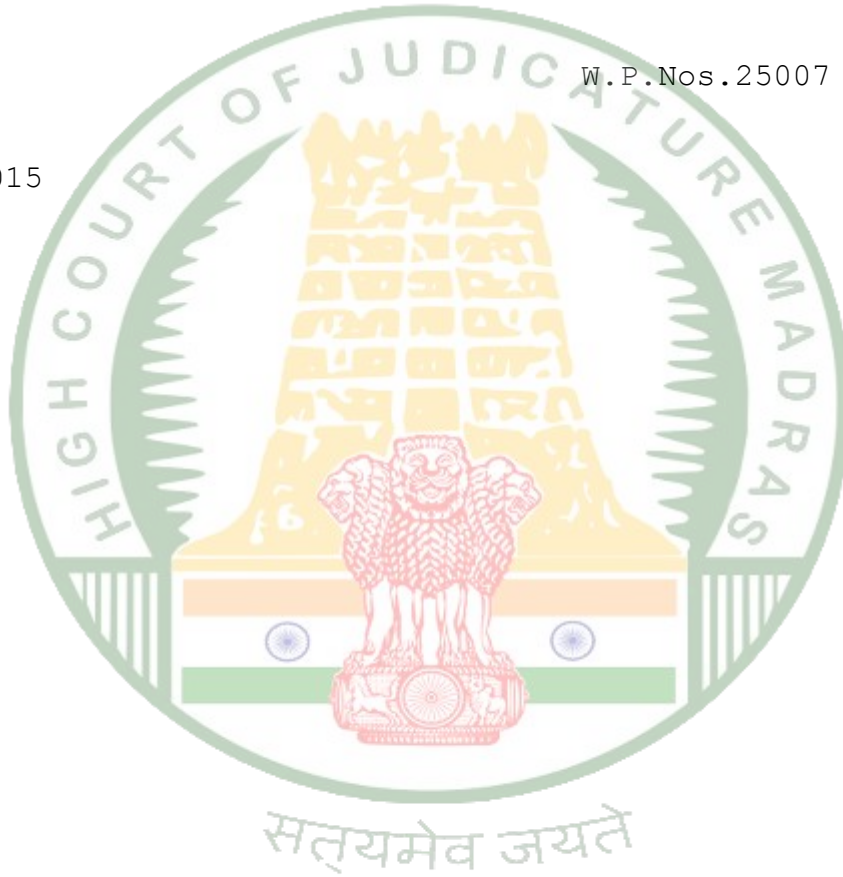
4.The Secretary to Government,
Department of Local Administration,
Fort St.George, Chennai-600 009.

5.The Secretary to Government
Finance (Pay Cell) Department,
Fort St.George, Chennai-600 009.

+1 cc to M/S.S.Arunachalam Associates Advocate sr.42502
+5 cc to M/S.S.Saravanan, Advocate sr.42583
+1 cc to the Government pleader High court Madras
sr.42784

W.P.Nos.25007 to 25011 of 2015

aa28/08/2015



WEB COPY