

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

WP.Nos. 25462 to 25466 of 2016
and
W.M.P.Nos. 21784 to 21788 of 2016

R.Duraibabu
@ Ramaiya Duraibabu ...Petitioner in W.P.25462 of 2016
G.Vinodh Kumar ...Petitioner in W.P.25463 of 2016
V.Sankar ...Petitioner in W.P.25464 of 2016
Vijaya Anand Perumal ...Petitioner in W.P.25465 of 2016
Prabhu Dhiravidamani ...Petitioner in W.P.25466 of 2016

Vs

1. Union of India
rep. by Secretary to Government
Ministry of Shipping
No.1, Parliamentary Street
New Delhi-110 001.
2. Union of India
rep. by Secretary to Government
Ministry of Finance
New Delhi-110 001.
3. Chennai Port Trust
rep. by its Chairman
Rajaji Salai
Chennai-600 001.
4. The Secretary
Chennai Port Trust
Rajaji Salai
Chennai-600 001.
5. Deputy Conservator
Chennai Port Trust
Rajaji Salai
Chennai-600 001.

...Respondents in all W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the respondents to fix the pay of scale as Rs.32900-58000/-, which was fixed initially/extended from February, 2015, to the petitioners, with all consequential arrears of monetary and attendant benefits.

For Petitioners : Mr.K.M.Ramesh
in all WPs. for M/s.Samanta & Ston

For Respondents : Mr.M.Palanimuthu
in all WPs. Standing Counsel

COMMON ORDER

By consent, these Writ Petitions are taken up together and disposed of at the stage of admission itself.

2. The petitioners in W.P.Nos.25462, 25464 and 25465 of 2016 were appointed as Marine Engineer on 09.03.2011, 28.10.2010 and 17.06.2010 respectively, and the petitioners in W.P.Nos. 25463 and 25466 of 2016 were appointed as Pilot (Class-I) on 08.11.2010 and 08.08.2014, in regular vacancy and as permanent employees in the pay scale of Rs.32,900 - 58,000/- and they are still working. Till the month of February, 2015, the petitioners in W.P.Nos.25463 to 25465 of 2016 were receiving a basic pay of Rs.37,040/- and the petitioners in W.P.Nos.25462 and 25466 of 2016 were receiving a basic pay of Rs.35,960/- and Rs.32,900/- respectively. The grievance of the petitioners is that without issuing notice and affording sufficient opportunity to the petitioners, suddenly their scale of pay has been reduced from the basic pay of Rs.32,900-58,000/- to Rs.29,100 - 54,500/- from the month of March, 2015, without any basis and therefore, such reduction in pay scale is not legally sustainable. Therefore, the Members of the Association approached the 3rd respondent, through the online representation, dated 27.03.2015. For which, the 4th respondent gave a reply stating that the pay scale has been revised on the basis of the order of the 1st respondent, dated 19.01.2015, but, the said communication was not served on him. Again the Members of the Association made a representation to the respondent Nos. 1, 3 and 5 and the Managing Director of IPA, on 10.03.2016, to give the regular pay scale, which has been fixed to them at the time of their appointment. But, till date, there is no response and the same is pending. Hence, the present Writ Petitions have been filed seeking to direct the respondents to fix the pay of scale as Rs.32900-58000/-, which was fixed initially/extended from February, 2015, to the petitioners, with all consequential arrears of monetary and attendant benefits.

3. Mr.K.M.Ramesh, the learned counsel appearing for the petitioners would contend that the petitioners earlier approached the Kolkata Port Trust, through, RTI, and the Kolkata Port Trust has given a reply to the effect that the scale of pay for the post of Marine Officer is Rs.32,900-58,000/-. He would further add that Mumbai, Kolkata and JN Port Trust, latest advertisement in respect of the call for made for the post of Marine Pilot and Marine Engineer the scale of pay is Rs.32,900 - 58,000/-. In view of the above position, the learned counsel would submit that the petitioners would be satisfied, if they are permitted to make a fresh individual representations to the 2nd respondent seeking to fix the pay scale for the post of Marine Pilot and Marine Engineer as Rs.32,900 - 58,000/- and in turn, the 2nd respondent may be directed to consider the same and pass appropriate orders, on merits and in accordance with law.

4. Mr.M.Palanimuthu, the learned Standing Counsel, who took notice on behalf of the respondents, would contend that no individual representation has been made for fixation of salary, on the other hand only a common representation has been made by the Members of the Association. He would further add that the matter pertaining to fixation of salary has to be determined only by the Ministry of Finance, therefore, the matter has been kept pending and the same was also intimated to the petitioners.

5. Considering the fact that the petitioners have restricted the relief sought for in these Writ Petitions, this Court, without going into the merits of the claim made by the petitioners, permits the petitioners to make individual representation to the 2nd respondent, stating as to how they are eligible to get the pay scale of Rs.32,900 -58,000/-, within a period of 15 days from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Connected WMPs are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Union of India, Ministry of Shipping
No.1, Parliamentary Street
New Delhi-110 001.
2. The Secretary to Government
Union of India, Ministry of Finance
New Delhi-110 001.
3. The Chairman
Chennai Port Trust
Rajaji Salai, Chennai-600 001.
4. The Secretary
Chennai Port Trust
Rajaji Salai, Chennai-600 001.
5. The Deputy Conservator
Chennai Port Trust
Rajaji Salai
Chennai-600 001.

+5cc's to M/s.Samanta & Ston, Advocate, S.R.No.42586
+1cc to Mr.M.Palanimuthu, Advocate, S.R.No.42731

W.P.Nos. 25462 to 25466 of 2016
and
W.M.P.Nos. 21784 to 21788 of 2016

CTK (CO)
CA(18/08/2016)

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