

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.39213 of 2004
and W.P.M.P.No.6 of 2009

Central Organisation of TWAD

Board Employees

(Affiliated to CITU), Regn. No.2190/MDS,
No.13, Mosque Street, Chepauk,
Chennai 600 005.

Rep. by its General Secretary
E.Viswanathan

.... Petitioner

Vs.

1. The Government of Tamil Nadu

Rep. by the Secretary to the Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai 600 009.

2. The Managing Director,

Tamil Nadu Water Supply and
Drainage Board,

31, Kamarajar Salai,
Chepauk, Chennai 600 005.

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing the
respondents to extend the benefit of Circular Letter No.WCE-
1/087659/98, Dated 10.06.1999 issued by the second respondent to
the holders of all technical posts in Grade II, who have passed
SSLC plus ITI.

For Petitioner : M/s.P.Rajendran

For Respondents : Mr.S.Suresh Kumar,
G.A., for R1

Mr.S.Eraskine Leo, for R2

O R D E R

The grievance of the petitioner is that when the respondent Board had ordered the employees holding the post of Electrician Grade II with the qualification of SSLC passed plus ITI with the scale of pay of Rs.4,000 - 6,000, the holders of other technical posts like Fitter, Welder, Mechanic, Mechanic (Diesel), etc., who have passed SSLC plus ITI qualification would also be entitled to the same benefit and refusal of the same would amount to discrimination. Hence, the petitioner has sought for issuance of a Writ of Mandamus, directing the respondents to extend the benefit of circular dated 10.06.1999 passed by the second respondent herein to other posts also.

2. It is seen that the aforesaid circular dated 10.06.1999 was pursuant to the order made in G.O.Ms.No.762, Finance (Pay Cell) Department, dated 20.08.1986. It is not in dispute that the above Government Order pertains to Grade II Electrician alone and that the Fitters were not brought under the purview of the said G.O. Though the petitioner herein made a request to the respondent Board to extend the benefit of G.O.Ms.No.762, dated 20.08.1986 to other posts and the respondent Board had forwarded the representation to the Government, the same has been rejected by the Government through their letter in Lr.No.13904/WS.5/2001 dated 04.06.2001 and 25054/WS.5/2003-2 dated 05.02.2004.

3. The petitioner's grievance is that the benefit of G.O.Ms.No.762, dated 20.08.1986 should be extended to the posts of Fitter, Welder, Mechanic, Mechanic (Diesel), etc. also. Even though the circular relied upon by the petitioner was issued by the respondent Board based on the Government decision taken in G.O.Ms.No.762, dated 20.08.1986, it is seen that the Government themselves have rejected such benefits to the other posts, as per their above letter dated 05.02.2004. Therefore, the proper recourse open to the petitioner would be to challenge the same in accordance with law.

4. In the light of the above observations, the petitioner-Union is granted liberty to challenge the proposal of the Government Lr.No.13904/WS.5/2001 dated 04.06.2001 and 25054/WS.5/2003-2 dated 05.02.2004 in a manner known to law. As such, no effective orders can be passed in the prayer made in the present Writ Petition.

5. With the above liberty, the Writ Petition stands closed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pvs

To

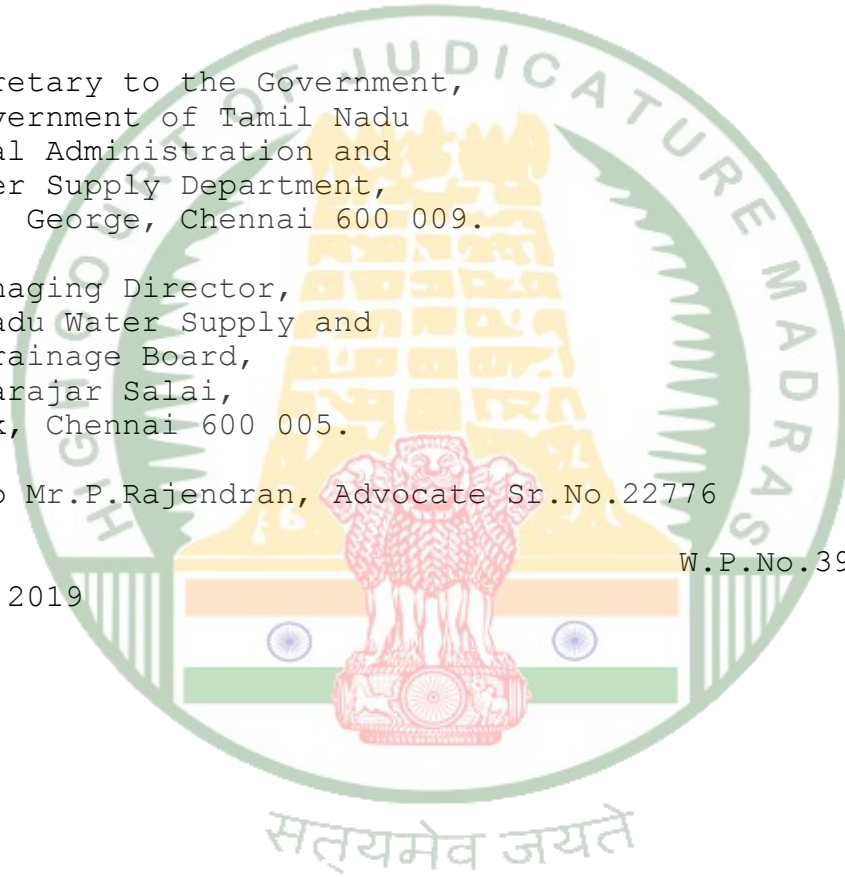
1.The Secretary to the Government,
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Fort St. George, Chennai 600 009.

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Cheapauk, Chennai 600 005.

+1 cc to Mr.P.Rajendran, Advocate Sr.No.22776

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CSL/10.04.2019



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