

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31411 of 2017
and
W.M.P.No.34540 of 2017

C.Shankar

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk,
Chennai - 600005.
2. The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Cuddalore,
Cuddalore District.
3. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
Cuddalore,
Cuddalore District.
4. The Assistant Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Sub-Division,
Chidambaram,
Cuddalore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondentss to disburse the daily wages at Rs.321/- per day to the petitioner as per the existing Public Works Department Standard Schedule of rates and to reimburse the deducted daily wages from March, 2017 to till the realisation.

For Petitioner : Mr.C.K.M.Appaji

For Respondents: Mr.R.Ganesh Babu

O R D E R

The relief sought for in the present writ petition is to direct the respondents to disburse the daily wages at Rs.321/- per day to the petitioner as per the existing Public Works Department Standard Schedule of rates and to reimburse the deducted daily wages from March, 2017 to till the realisation.

2. The petitioner claims that he was appointed as Watchman - Nominal Muster Roll Employee in the Office of the Assistant Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Bhuvanagiri. He was appointed as part time Sweeper in the Office of the Assistant Executive Engineer on 01.08.1990. The writ petitioner was discharging the duty as a full time worker.

3. The learned counsel appearing on behalf of the writ petitioner states that an Industrial Dispute in I.D.No.67 of 1997 was raised, challenging the Oral termination issued to the writ petitioner and subsequently, he was reinstated. The writ petitioner is continuing as daily wage employee and the present writ petition is filed claiming that he is entitled for the daily wage salary of Rs.321/- per day on par with the NMR in Public Works Department.

4. The learned counsel appearing on behalf of the respondents disputed the contention and states that the wages are paid as per the proceedings of the District Chief Coordinator and District Collector, Cuddalore and the daily wage fixed for various cadres by the District Collector are being followed scrupulously by the respondents. As per the proceedings of the District Collector dated 25.07.2016 for the year 2016-2017, the daily wage salary fixed for the post of watchman is Rs.250 per day. Thus, the writ petitioner is entitled for Rs.250 per day as per the wage fixation, issued by the District Collector. Every year, modification are done by the District Collector in respect of various categories of employees working as NMRs, thus, the respondents/Board is following the wage fixation done by the District Collector and the workload and the nature of the work being performed in the Public Works Department cannot be compared with the post of Watchman in Tamil Nadu Water Supply and Drainage Board at Cuddalore.

5. This being the factum of the case, there is no infirmity in respect of the payment of wages to the daily wage employees, as per the wage fixation done by the District Collector in accordance with law and in consonance with the payment of minimum wages. Under these circumstances, the Court cannot fix

the wages by comparing the wages fixed for the Public Works Department NMR's.

6. This being the fixation of wages as per the policy decision, only in the event of violation of any Statute and Rules then alone, the Court can interfere and not otherwise. The writ petitioner has failed to establish any such acceptable grounds and there is no infirmity in respect of the payment of daily wages to the NMR's, more specifically to the post of Watchman as per the proceedings of the District Collector. Accordingly, the writ petition is devoid of merits and consequently, stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
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Cuddalore District.

+lcc to Mr.R.Ganesh Babu, Advocate Sr.82530

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