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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.18529 of 2008

and

M.P.No.1 of 2009

P. Muralidaran
S/o. Pandarinathan

...Petitioner

vs.

1. The Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB)
Rep. by its Managing Director
No.1, Pumping Station Road
Chennai 600 002

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 1st respondent dated 20.05.2008 and quash the same and direct the respondents to grant two additional increments (Graduate allowance) to the petitioner in the post of Depot Manager (formerly known as Revenue Collector) as granted to Junior Assistant since both posts have been treated as equal categories in the decision of the Board taken in its meeting held on 11.02.2000.

(Prayer amended as per Court order dated 08.08.2008 in M.P.No.2 of 2008 in W.P. No.18529/2008)

For Petitioner : Mr. L. Chandrakumar
For Respondents : Mr. N. Ramesh for CMWSSB

ORDER

The petitioner has filed this Writ Petition challenging the order passed by the Respondent board dated 20.05.2008 and praying to direct the respondent to grant two additional



increments (Graduate allowance) to the petitioner in the post of Depot Manager (formerly known as Revenue Collector) as granted to Junior Assistants.

2. The petitioner was appointed as a Revenue Collector and after five years of service, the post was re-designated as Depot Manager. As per the service Rules of the Respondent Board, the Depot Managers were treated on par with the Junior Assistants and given promotion to the post of Assistants in the ratio of 3:1:1. For those Junior Assistants, on acquiring graduate qualification, increment was given. In this regard, the Government order has been issued to the effect that graduate Junior Assistants and graduate Typists/Steno Typists will get a higher start of pay than the non graduate Junior Assistants, Typists/Steno Typists. Those non graduates, on acquiring graduation, are entitled to a higher start of pay. The petitioner made a request that, when he has been treated on par with the Junior Assistants, as a feeder category to the post of Assistants, he should also be given a higher start of pay on par with them. However, a recommendation was made that the Depot Managers can also be considered on par with the Junior Assistants and graduate allowance shall be given. It is pertinent to note that though the Depot Managers were seeking for graduate allowance and higher start of pay, they were not agreeing for the special pay, which was proposed by the authorities.

3. On perusal of the records it is seen that the duties and the responsibilities of the Junior Assistants as well as the Depot Managers are almost similar. In fact, the Depot Managers discharge office work as well as field work. As such, the job of the Depot Manager is more onerous than the Junior Assistants. But the claim was rejected pursuant to the direction given by this Court in W.P. No.19100 of 2010 dated 31.08.2010. Merely because the request was rejected pursuant to the orders of this Court, it does not mean that the Depot Managers are not entitled for reconsideration of the revised scale of pay. It is also noted that, by way of the Board resolution, the Depot Managers were deleted from the channel of promotion to the post of Assistants. In that event, the Depot Managers shall be considered for a pay revision appropriate to their discharge of duties. Therefore, this Court, even though does not pass a positive direction to grant graduate allowance, directs the respondent to reconsider the issue for the payment of higher pay proportionate to the duties and responsibilities of the Depot Managers. It is expected that the respondent should reconsider the issue within a period of 12 weeks from the date of receipt of a copy of this order.



4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Bga

To

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

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

+1 CC to Mr.L.Chandrakumar, Advocate, Sr. 32874.

W.P.No.18529 of 2008

LN(CO)
LS(03/08/2021)