



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.173 of 2018

WEB COPY

1.B.Premkumar
2.E.J.Tensingh

... Appellants/Writ Petitioners 1 & 5
Vs.

1.The Government of India,
Represented by Secretary to Government of India,
Ministry of Surface Transport,
Department of Shipping,
New Delhi.

2.The Joint Secretary (Ports),
Chairman,
Anamoly Committee,
Ministry of Shipping,
Road Transport and Highways,
No.1, Parliament Street,
New Delhi.

3.The Chairman,
Tuticorin Port Trust,
Tuticorin.

... Respondent 1 to 3/Respondents

4.C.Lakshmanan
5.A.Thilagavathy
6.S.P.Mohan Kumar,
7.K.Raghupathy
8.M.Shanmugavel
9.R.Sugandeeswari
Petitioners 2

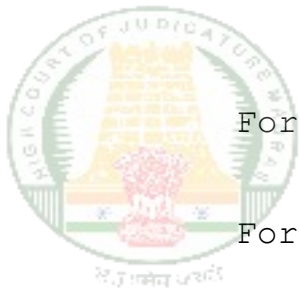
... Respondents 2 to 4/Writ
to 4 and 6 to 8.

(No relief sought against the respondents
4 to 9, hence respondents 4 to 9 are given up)

Prayer : Appeal filed under Clause 15 of the Letters Patent Act
against the order passed by this Court in W.P.(MD)No.10723 of 2008,
dated 02.02.2017.

Prayer in WP(MD). 10723 of 2008 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorarified Mandamus, call for the records on the file of the 1st
respondent in connection with the order passed by him in his
proceedings No. C-18018/4/08-PE-I dated 17/07/08 and quash the same
and consequently direct the respondents to pay the same House Rent
Allowance to the petitioners on par with the House Rent Allowance
payable to Class III and IV Officers with effect from 01/01/08 with
all consequential benefits.



For Appellants

: Mr.Robert Chandrasekar
for M/s.G.Prabhu Rajadurai

For Respondents 1 & 2

: Mr.S.Jeyasingh
Central Government Standing Counsel

For 3rd Respondent

: Mr.VR.Shanmuganathan
Standing Counsel

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J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

This appeal has been preferred by the appellants, who belong to Class I and Class Officers of the third respondent Port Trust. The sum and substance of the grievance of the appellants is that Class III and Class IV employees are allowed 15% of basic pay as House Rent Allowance with a sealing of Rs.1,500/-, whereas Class I and Class II officers are paid only 7.5% of basic pay as House Rent Allowance.

2.We do not find any discrimination as the appellants belongs to Class - I and Class - II and they cannot be compared with Class - III and Class - IV. The pay and allowance of Class - III and Class - IV officers were fixed in pursuant to the negotiation and settlement reached under Section 12(3) of the Industrial Disputes Act between Bipartite based Negotiation Committee consisting of representatives of employees and Major Labour Federations and that cannot be sought by the appellants. There is no violation of Article 14 of the Constitution of India involved as the question is distinct and clear. In such view of the matter, we do not find any reason to allow the Writ Appeal. However, we make it clear that our order do not stand in the way of the appellants' representations being considered on their own merits.

3.Accordingly, the Writ Appeal is disposed of with a direction to the first respondent to consider the representations of the appellants, dated 10.04.2017, if they are not yet disposed, and pass orders on their own merits and in accordance with law without being influenced by our orders in this Writ Appeal. No costs.

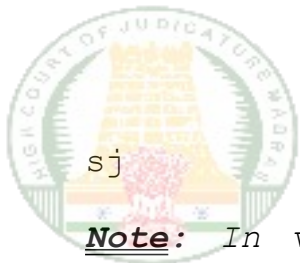
Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)



sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government of India,
Ministry of Surface Transport,
Department of Shipping,
New Delhi.

2.The Joint Secretary (Ports),
Chairman,
Anamoly Committee,
Ministry of Shipping,
Road Transport and Highways,
No.1, Parliament Street,
New Delhi.

+1 CC to M/s.S.JEYA SINGH, Advocate (SR-582[F] dated 08/01/2021)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-483[F] dated 07/01/2021)

W.A. (MD) No.173 of 2018
06.01.2021

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