IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.18388/2017

S.Manoharan ... Petitioner

Versus

The Government of Tamil Nadu
Highways and Minor Port,
rep.by the Additional Chief Secretary
Secretariat , Chennai-600 009. ... Respondent

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in Letter No.3526/HV1/2017-3 dated 19.05.2017, on the file of the respondent and quash the illegal, competent and wholly without jurisdiction and further direct the respondent to pay the incharge allowance to the petitioner for working as District Revenue Officer - National Highways during 11.03.2014 to 30.09.2014.

For Petitioner : Mr.V.Vikram

For Respondent : Mr.S.Ravikumar, Spl.GP

ORDER

(1) The writ petition has been filed in the nature of a certiorarified mandamus seeking interference with the Letter No.3526/HV 1/2017-3 daetd 19.5.2017 issued by the respondent, the Additional Chief Secretary to Government, Highways and Minor Ports, Government of Tamil Nadu and to quash the same and to direct the said respondent to pay in-charge allowance to the petitioner for working as District Revenue Officer-National Highways between 11.03.2014 and 30.09.2014.

(2) The petitioner had joined the Revenue Department in the year 1981 as Junior Assistant. He had been consecutively promoted consequent to his service and also his experience and finally, he reached the post of District Revenue Officer and retired on 30.09.2014 after completing 33 years of service as District Revenue Officer, Cuddalore. At that particular point of time, he was also allotted an additional charge as Special District Revenue Officer [Land Acquisition], Neyveli, between 30.09.2013 and 28.02.2014. This was consequent to a Government Order issued by the Central Government for laying of

National Highways - 45A between Cuddalore and Chidambaram. He was also given additional in-charge as National Highways District Revenue Officer and worked between 11.03.2014 and 30.09.2014. He claimed that he was paid necessary concurrent allowances for discharging the work as District Revenue Officer, Land Acquisition on 03.05.2014, but, was not paid concurrent charges for working as District Revenue Officer, National Highways. Seeking that particular pay, he had given a representation on 18.11.2014 and the representation came to be rejected by the impugned order.

(3) In the impugned order, the respondent had stated that no new post of District Revenue Officer for National Highways had been created exclusively and the duties were within the duties of the District Revenue Officer, Cuddalore. Holding so, the representation came to be rejected and questioning such rejection, the writ petition came to be filed.

(4) Learned counsel for the petitioner stated that the petitioner filed WP.No.766/2017, seeking consideration of a representation given by him. A learned Single Judge, by an order dated 11.01.2017, directed

consideration of the same on merits and directed the orders to be passed in accordance with law within a specified period. The order passed is now put to test in this writ petition.

(5) Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

(6) Learned counsel for the petitioner pointed out that prior to passing the impugned order, the petitioner was not put on notice and was not heard. That particular argument would not hold since, it is an issue of holding of concurrent post and the examination of the nature of work which are discharged were based on records. The petitioner having moved up the ladder from the post of Assistant to the post of the District Revenue Officer, should be aware of the Rules and Regulations of the service under which he was working. They were two positions he was appointed as in-charge. The first one was the District Revenue Officer, Land Acquisition. The nature of work of that particular post is to identify the lands which are to be acquired, to pass necessary orders for acquisition of those lands, to determine the compensation to be paid to those whose lands have been acquired and

to also adjudicate on all those issues. This is an entirely separate set of duties which he had been called upon to do apart from his regular work as the District Revenue Officer, Cuddalore.

(7) Discharge of work as the District Revenue Officer, Cuddalore and discharge of work as the District Revenue Officer, Land Acquisition are totally independent to each other. For the period when he discharged the work as the District Revenue Officer, Land Acquisition, between 30.09.2013 and 28.02.2014, the petitioner had received concurrent charges.

(8) The grievance of the petitioner is for the subsequent posting as the District Revenue Officer, incharge of National Highways. This does not involve any additional duty. This is a part of a duty of the District Revenue Officer where he also has to address the grievances of land owners on all such issues. It is also to be noted that this is not a new post or a post which was sanctioned or created on a permanent basis. It would be in position only till the National Highways was actually laid and constructed. Once the National Highway is constructed, this post is naturally taken away and removed. Therefore, there is no

question of any concurrent allowances to be paid for holding that particular post. The petitioner should discharge the duties as is expected of him. Having held a high post of the District Revenue Officer, he would be called upon on various occasions to discharge duties which go beyond the actual duties assigned to him. But, it does not mean that he should be paid for each and every duty discharged by him.

(9) The petitioner's claim is for a bounty for work which was already included in the natural course of his duties. I am not inclined to grant any relief to the petitioner herein.

(10) The writ petition stands **dismissed.** No costs.

28.07.2023

AP
Internet : Yes

To

The Additional Chief Secretary
Government of Tamil Nadu
Highways and Minor Port,
Secretariat , Chennai-600 009.

C.V.KARTHIKEYAN, J.,

AP

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