



W.P.(MD)No.14132 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.14132 of 2016

H.R.V.Ramasamy

... Petitioner

vs.

The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Head Office, Thanjavur,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding of the respondent in Na.Ka.No.A3/15047/2014, dated 30.03.2016 and to quash the same as illegal and consequently, to direct the respondent to give additional charge allowance for holding additional charges as Assistant to the petitioner.

For Petitioner : Mr.A.Srinivasan

For Respondent : No appearance



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ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned proceeding dated 30.03.2016 of the respondent and consequently, to direct the respondent to give additional charge allowance for holding additional charge as Assistant.

2. The petitioner was appointed on October 1982 as Helper. Subsequently, he was absorbed in service of the respondent corporation as Bill Collector, thereafter, appointed as Typist on 24.09.2008. The contention of the petitioner is that while he was serving as Typist in Thanjavur region, vide proceedings, dated 18.12.2008 he was assigned additional charge to take care of legal section in the existing vacancy, which ought to be maintained by the Assistant cadre employee. Subsequently, he was also given additional charges of land acquisition division, which was vacant on 04.03.2009 and the said post was also to be maintained by an employee in the Assistant cadre. Even though the



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petitioner was given charge as Assistant post, the petitioner was paid the salary of Typist. Again by an order dated 15.10.2012 the petitioner was given the charge of Typist but he was ordered to take care of legal and land acquisition sections which ought to be assigned to Assistant cadre. Thereafter, the petitioner retired from service on 30.10.2015 as Assistant. The exact promotion to the post of Assistant was granted on 25.02.2013. Since the petitioner was assigned to do extra work, the petitioner is seeking additional charge allowances to the said work during the period which he was serving from 2008 to 2012.

3. The respondent has filed a counter affidavit stating that the petitioner joined as Bill Collector in consolidated pay on 02.04.2008. On 02.10.2008, he joined as Typist and was given duty in xerox section on 18.12.2008. The petitioner was given the post in the legal section as Typist range. The scale of pay for the Typist is equal to that of Junior Assistant as Rs.5200-20,200+1800. Later, the petitioner was promoted



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as Assistant by proceedings, dated 13.06.2012. On 15.10.2012, the petitioner was de-promoted as Typist and was given clerical work in vacant place. Subsequently, on 25.02.2013, the petitioner was promoted as Assistant and retired on 31.10.2015. The petitioner was not given additional in-charge of Assistant post, so he is not entitled to additional charge allowances for working as Assistant in the vacant post. The petitioner submitted a representation and the same was rejected vide impugned order, dated 30.03.2016. Since the petitioner was working as Assistant in the vacant place as Typist level and after following the relevant rules, the respondent rejected the claim of the petitioner. Hence, the respondent prayed to dismiss the writ petition.

4.Heard Mr.A.Srinivasan, learned Counsel appearing for the petitioner and perused the records.



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5.The petitioner is claiming to pay the salary applicable to the post of Assistant, since he was servicing in the post of Assistant from 2008 to 2012. It is seen that the petitioner was serving as Typist during that period and the petitioner was assigned to carry on the work in land acquisition division and other work in the respondent office for a brief period from 13.06.2012 to 14.10.2012. The petitioner was temporarily promoted as Assistant. Thereafter, the petitioner was demoted as Typist, vide order, dated 15.10.2012. Thereafter, he was promoted permanently to the post of Assistant on 25.02.2013. The petitioner has never worked in Assistant cadre and was not granted Assistant pay scale for the period from 2008 to 2012. The petitioner was carrying on the same cadre work which was allotted to the petitioner. In other words, the petitioner was carrying on as typist in the land acquisition division and legal division. The contention of the petitioner is that normally, the said work would be carried out by the Assistant and hence the petitioner is claiming additional allowance. The concept of payment of additional allowance



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would arise to the Government servant, when the employee is holding the post and was granted additional post as in-charge, then he would be entitled to additional allowance. In the present case, the petitioner was only granted additional work in the land acquisition section and not an additional in-charge. Hence, the petitioner is not entitled to additional allowances.

6. With the above said observation, the writ petition is dismissed.

No costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
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