



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 6601 of 2024

D.Arumugam

Petitioner

Vs

1. Board of Trustees
Chennai Port Trust Rep. by its
Chairman, Rajaji Salai,
Chennai-600 001.

2.The Secretary
Chennai Port Trust, Rajaji Salai,
Chennai-600 001.

3.Union of India
Rep. By Secretary To Government,
O & M Section, Ministry of Ports,
Shipping and Waterways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi-110 001.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 01.02.2024 bearing No. ICM3 / 2828 / 2021 / GA, passed by the 2nd respondent to quash the same and consequentially direct the



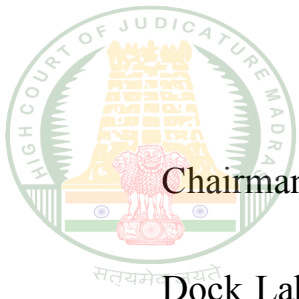
respondents to revise and fix the pension of the petitioner corresponding to the Board Level Executive Post of Deputy Chairman Category-I Ports in the pay scale of Rs.75000 - 90000 from 01.01.2007 till 31.12.2016 and in the pay scale of Rs.180000 - 320000 from 01.01.2017 onwards and pay arrears of pension.

For Petitioner	Mr.Mani Sundargopal
For R1 & R2	Mr.R. Karthikeyan, Standing Counsel.
For R3	Mr.T.L.Thirumalaisami, CGSC

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order dated 01.02.2024, passed by the second respondent, Secretary, Chennai Port Trust and to consequentially direct the respondents to revise and fix the pension of the petitioner corresponding to the Board Level Executive post of Deputy Chairman Category – I, Ports, in the pay scale of Rs.75,000 – 90,000 from 01.01.2007 till 31.12.2016 and in the pay scale of Rs.180000 – 320000 from 01.01.2017 onwards and pay arrears of pension and other benefits.

2.In the affidavit filed in support of the writ petition, the petitioner, who is a senior citizen of advanced age, had stated that he had retired as Deputy



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Chairman of the Chennai Dock Labour Board (originally called the Madras Dock Labour Board). He claims that the said post of the Deputy Chairman of the Chennai Dock Labour Board is a Board Level Executive post of in Category – I, Ports. The petitioner retired on attaining the age of superannuation on 31.01.1998. The petitioner further stated that he had been initially appointed as Labour Welfare Officer (C1 II) on 01.07.1967. He had been subsequently promoted and as stated above, had finally retired as Deputy Chairman of the Chennai Dock Labour Board. The petitioner claims that there had been periodical Pay Revision Committees, which had been constituted by the Government of India. The petitioner places specific reliance on the Pay Revision Committee's recommendation, dated 10.01.2000.

3.The said recommendation of the Pay Revision Committee, on 10.01.2000, is interpreted by the petitioner and also argued by the learned counsel for the petitioner that it had been recommended that the post of Deputy Chairman of the Chennai Dock Labour Board or for that matter, any Dock Labour Board is to be construed as being equivalent to the post of the Deputy



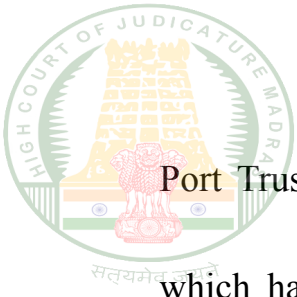
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Chairman of the Port Trust, in this connection, the Chennai Port Trust. It is therefore pointed out that the petitioner's pay should be revised in accordance with the pay, which had been fixed or rather re-fixed for the post of the Deputy Chairman of the Chennai Port Trust. Claiming that the difference in pay and pension should be paid to him on and from the date of such revision, dated 10.01.2000, the writ petition has been filed.

4.The claim of the petitioner had been rejected by a letter dated 01.02.2024, wherein, his claim for re-fixing of the pay and pension and consequential monetary benefits had been rejected by the second respondent.

5.To determine the issues raised, it would only be appropriate to examine the recommendation of the Pay Revision Committee, dated 10.01.2000.

6.The Under Secretary to the Government of India had communicated the revision of pay and allowances for Class - I and Class II officers in the Major



Port Trusts and Dock Labour Boards by a communication dated 10.01.2000,

which had been issued by the Ministry of Surface Transport, Department of

Shipping Government of India.

7.The learned counsel for the petitioner placed specific reference to paragraph No.1 of the said communication. The same is extracted below in entirety.

A Pay Revision Committee under the Chairmanship of Shri.S.P.Bagla, former Secretary, Govt.of India, was appointed vide this Ministry's OM No.A-29108/5/96-PE1 dt.16th October, 1996 to formulate the proposals for the pay revision of Class – I & Class – II officers of major Port Trusts and Dock Labour Boards to be effective from 01.01.1997. The recommendations made by this Committee in of their report have been carefully considered and Government has now decided to revise the pay scales, allowances, etc., of the Port and Dock officers of the major Port Trusts and Dock Labour Boards as per the details given below.



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8. The aforementioned passage has been interpreted by the petitioner who also instructed the learned counsel for the petitioner to interpret it to mean that a proposal had been formulated for pay revision of Class - I and Class - II officers of Major Port Trusts and Dock Labour Boards with effect from 01.01.1997. This has been presumed that Class - I and Class - II officers of the Major Port Trust are to be considered to be equivalent to Class - I and Class - II officers of the Dock Labour Board.

9. But, unfortunately, I am not able to convince myself to subscribe to that view projected. There are two separate categories, for which, proposal had been formulated for revision of pay on and from 01.01.1997. The first category is Class - I and Class - II officers of the Major Port Trusts and the second category is Class - I and Class - II officers of the Dock Labour Boards. They both may be similarly placed posts, but they are not the same and there is a difference between being similar and being exactly the same. Class - I and Class - II officers of the Major Port Trust have not been stated to be equivalent in this passage extracted above, to the post of Class - I and Class - II officers of the Dock Labour Board. The revision of pay alone was taken up for both the



categories. After being taken up, the pay revision had been further given in the subsequent paragraphs in 1.0, 1.1 & 1.2.

10. In paragraph 1.1, the revision had been given with respect to the following officials.

1.0 Revision of Pay Scales

1.1 As the final decision with regard to the categorisation of pay scales of the Chairmen and Deputy Chairmen of the Major Port Trusts is yet to be taken by the Government it has been decided that the Chairmen and Dy. Chairmen of Major Port Trusts may be provisionally allowed the following pay scales w.e.f. 01.01.1997.

11. It is thus seen that paragraph No.1.1 would specifically apply only to the Chairman and Deputy Chairman of the Major Port Trust. The word Chairman/Deputy Chairman, Dock Labour Board are not at all found in paragraph No.1.1. Therefore, this particular revision given under paragraph No.1.1 would apply only to the Chairman and the Deputy Chairman of the Major Port Trust.



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12. It is seen that the Port Trusts that are included are Mumbai, Calcutta, JNPT, Chennai, Vishakhapatnam and so on. Therefore, the pay scale of, specifically, the Chairman of Chennai Port Trust had been revised from 10000 - 400 - 12000 to 22500 - 600 - 27300. With respect to the Deputy Chairman, again the Deputy Chairman of Chennai Port Trust had been included in the list and the pay had been revised from 9500 - 400 - 11500 to 20500 - 500 - 26500. Specifically, this applies only to the Deputy Chairman of the Chennai Port Trust and to no one else. The petitioner was not drawing the pay of 9500 - 400 - 11500. Therefore, even though, according to the petitioner, the post he held, namely, the Deputy Chairman of the Dock Labour Board, could be considered as similar to the post of the Deputy Chairman of the Chennai Port Trust, it is evident that they are not the same since the pay structure was different. The Deputy Chairman of Chennai Port Trust was drawing a pay scale of 9500 - 400 - 11500, while admittedly, on that relevant date, the petitioner was drawing a pay scale of 7500 - 300 - 10200. Therefore, by no stretch of imagination could he claim the post he held to be equivalent or to be treated equally with the post of Deputy Chairman of the Chennai Port Trust.



13. In paragraph No.1.2, the pay revision had been given for the following categories.

1.2. The revised pay scales corresponding to their existing pay scales of the officers other than the Chairmen and Deputy Chairmen at Major Port Trusts and Dock Labour Boards from 01.01.1997 will be as under:

14. The learned counsel for the petitioner pointed out that this revision would not apply to the petitioner, because, this revision is for officers other than the Chairman and Deputy Chairman at Major Port Trust and Dock Labour Boards. This had been pointed out by the learned counsel for the petitioner since the third respondent had clarified as to where the petitioner would stand with respect to the revision of scale by their letter No.LB-16013/6/95-L.II issued by the Government of the Ministry of Surface Transport (Labour Division), which is as follows:

Sir,

I am directed to say that the post of Deputy Chairman, Madras Dock Labour Board in the pay scale of Rs.4350-150-4950-175-6000 will fall vacant



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w.e.f. 24-1-1996 consequent upon the expiry of tenure of Shri D.Arumugam the present incumbent on 23-1-96.

This post is to be filled up on deputation basis. The post is equivalent to that of Deputy Secretary to the Government of India. It is a statutory post and appointment thereto is to be made by Central Government on such terms and conditions as it may determine. Normally the period of deputation is 4 years but the process of merger of Dock Labour Board with the respective Port Trust is under headway and the tenure of deputation of the Officer selected for appointment to the post of Deputy Chairman, Madras Dock Labour Board will be restricted till the merger of Madras Dock Labour Board with Madras Port Trust is achieved whichever is earlier. I am, therefore, to request you kindly to furnish to this Ministry panel of names of Suitable officers having adequate background of dealing with labour problems belonging to your Port Trust/Dock Labour Board. The names of officers who are willing to be considered and who can be spared need be furnished together with their complete bio-data and confidential report folders so as to reach this Ministry by 23rd November, 1995. It should clearly be

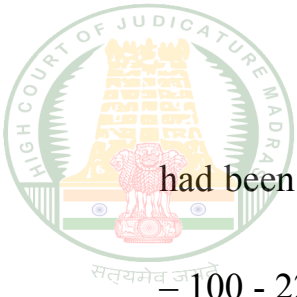


indicated that no vigilance case is pending or contemplated against each of the officers.

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15. It is the stand of the third respondent that paragraph No.1.2 alone would apply for the Deputy Chairman of the Dock Labour Board. This had been stated because, the pay scale the petitioner in his capacity as the Deputy Chairman of the Dock Labour Board had been drawing had been given in paragraph No.1.2. Even though it had been stated as extracted above that the revised pay scale would not apply to the Chairman and the Deputy Chairman of the Major Port Trust and Dock Labour Board, the petitioner will have to rest content with the fact that the pay scale he was drawing had actually been revised. He can seek the revision and the benefit of the pay scale of 7500 – 300 - 10200 being revised to 17500 – 400 - 22300. The choice is left to the petitioner. He may accept it or he may reject it. If he is to reject it and if that benefit had flowed to him, then there is a duty cast on him as a conscious public servant to return back the amount, which had been paid to him in the scale of 17500 – 400 - 22300 on and from 01.01.1997.

16. It had been further stated in the counter affidavit filed by the first and second respondents that the post of the Deputy Chairman Dock Labour Board



had been re-designated as Additional Traffic Manager in the pay scale of 17500 – 100 - 22300 with effect from 28.05.2001.

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17.The learned counsel for the petitioner stated that this redesignation is only with effect from 28.05.2001, whereas, the letter now under reference is dated 10.01.2001. But, the letter dated 10.01.2001 revised the pay scale with effect from 01.01.1997 and the scale of 7500-300-10200 which had been revised to Rs.17500 – 100 - 22300 which is the scale for the Additional Traffic Manager as on 28.05.2001 had also been mentioned. Therefore, even though the re-designation was only with effect from 28.05.2001, the scale of pay is 17500-100-22300, which the petitioner is entitled to since pay scale prior to revision was 7500-300-10200.

18.I do admit that the wordings in paragraph No.1.2 state that the revision is for posts other than Chairman/Deputy Chairman at Major Port Trust and Dock Labour Board on and from 01.01.1997. But as stated above, the pay scale had been given and the fitment in any public office would be only with respect a



the particular pay scale and not with respect to the post or the designation of the post. The pay scale of 7500-300-10200, which admittedly is the pay scale

drawn by the petitioner, had been revised to 17500-100-22300 and anybody drawing that particular pay scale on 28.05.2001 had been re-designated as Additional Traffic Manager. The claim of the petitioner therefore that his pay scale should be revised as pointed out by him in his writ petition, i.e., the scale of pay Rs. 75,000 – Rs. 90,000 on and from 01.01.2007 till 31.12.2016 and Rs.1,80,000 – Rs. 3,20,000 on and from 01.01.2017 is rejected by this Court.

19.The learned counsel for the petitioner however pointed out that a learned Single Judge of this Court has applied his mind during one of the hearing dates on 14.10.2024 and had made certain observations regarding the pay scale of the petitioner. But, I am confident with the reasons now which I have assigned for reaching the conclusion as stated above that the relief sought by the petitioner will have to be rejected. The observations of the learned Single Judge remain what they are, namely, observations. They are not ratio decidendi and are not binding.



20. The writ petition stands dismissed with a direction that the scale of the petitioner should be revised from 7500-300-10200 to 17500-100-22300 on and from 01.01.1997 and subsequent revisions of pay would enure to the petitioner on that particular scale. It is contended that the petitioner had received the scale on that basis and therefore, no further orders are required. No Costs.

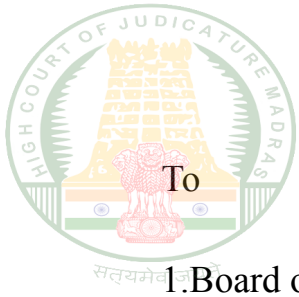
21. After dictating the order, the learned counsel for the petitioner stated that he had filed an application in WMP.Sr.No.38776 of 2024 to modify the relief sought. But that application is not listed today before this Court. Hence, WMP.Sr.No.38776 of 2024 is also closed.

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Index: Yes/No

Internet: Yes



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