



WEB COPY

WP No. 19607 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07-07-2026

Pronounced on : 10.07.2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

**WP No. 19607 of 2012,
WP NO. 2823 OF 2015, WP NO. 23086 OF 2019,
M.P.No.1 of 2012
and WMP NO. 22797 OF 2019**

S.Kamaraj

..Petitioner in all writ
petitions

Vs

1. The Secretary Cum General Manager
Tamil Nadu Water Supply and Drainage Board, 31, Kamarajar Salai,
Chepauk,
Chennai-600 005 1st respondent in WP No. 23086 of 2019

2. The Managing Director
Tamilnadu Water Supply And Drainage Board, 31
Kamarajar Salai, Chepauk, Chennai 5

3. The Chief Engineer
Tamilnadu Water Supply And Drainage Board,
Northern Region, 1st Main Road, Gandhi Nagar,
Vellore

4. The Executive Engineer
Tamilnadu Water Supply And Drainage Board,
6th Cross Road, Gandhi Nagar, Tiruvannamalai

..Respondents in all writ
petitions

Prayer in W.P.No.19607 of 2012: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, praying to call for the records relating to the 1st respondent proceeding in Lr. No.20893/work (Niru) A1/2011 dated 02.08.2011 and to quash the same and to direct the respondents



to revise and refix the pay of the petitioner as had been done to other similarly placed persons on the basis of G.O.Ms.NO.762, Finance (Pay Cell) Department dated 20.8.1986 as adopted by the Board under Board Proceedings B.P.(Ms) No.505, dated 12.12.1986 and Chief Engineer Proceedings dated 30.07.2008 from the date of appointment and to revise all the increment based on the above revision.

Prayer in W.P.No.2823 of 2015: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, praying to call for the records relating to the 3rd respondent proceeding in proceeding No. Ko.Ve.Ni. Voo/salary fixation/NiA/2014 dated 24.10.2014 and to quash the same and to direct the respondents to revise and refix the pay of the petitioner and to pay the arrears from 04.11.1987 to 31.01.2014 on the basis of G.O.Ms.No.762, Finance (Pay Cell) Department dated 20.08.1986 as adopted by the Board under Board Proceedings B.P.(Ms) No.505, dated 12.12.1986 and Chief Engineer Proceedings Lr.No. 2459/02/A7 dated 30.07.2008.

Prayer in W.P.No.23086 of 2019: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, praying to direct the respondents to consider the petitioner's representation dated 03/12/2018 to pay the monthly pension to the petitioner from 01.06.2017.

For Petitioner

in all writ petitions:

Mr. K.Desingh

Mr.R.Prathapan

For Respondents

in all writ petitions:

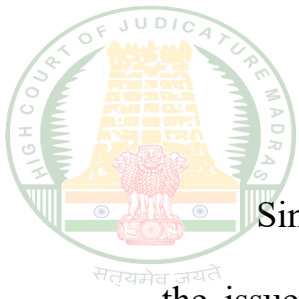
MR. Om Prakash

Senior Counsel

for Mr. S.Shahila Bhanu

Standing Counsel

COMMON ORDER



Since the petitioners in all the three writ petitions is one and the same and the issue involved is also one and the same, these writ petitions are being disposed of, by this common order.

2. For ease of reference, the facts stated in writ petition No.19607 of 2012 are being referred for adjudication of these writ petitions.

3. Briefly put, the case of the petitioner is that he was appointed as Helper-cum-Welder vide proceedings of the Executive Engineer, Tamil Nadu Water Supply and Drainage Board (hereinafter referred as 'TWAD Board'), Mechanical Division, Salem- 5 dated 27.10.1987; that at the time of appointment as Helper-cum-Welder, he was placed on a pay scale of Rs.505-10-555-15-615-20-795-25-845 + usual allowance as admissible as per Rules in force; that he was posted to work at TWAD Board, Mechanical Sub Division, Villupuram and Vellore as detailed in the proceedings; that he possesses the qualification of SSLC pass + ITI certificate and therefore, he is entitled to be placed in ordinary grade at Rs.610-1075 at the time of joining and on completion of 10 years of service, he is entitled to be granted selection grade with pay of Rs.705-1230 in terms of G.O.Ms.No.762/ Finance (Pay Cell Department) dated 28.08.1986 as adopted by the respondents vide B.P.No.505 dated 12.12.1986; that he had approached the respondent authorities and submitted multiple representations; that as no reply was forthcoming from the

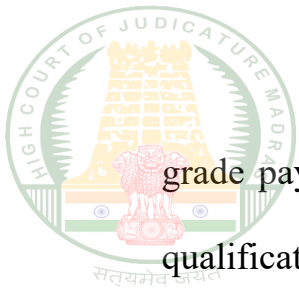


respondent, he was constrained to file a writ petition vide W.P. No.9003 of 2011; that this Court while disposing of the said writ petition by its order dated 09.06.2011 directed the first respondent to consider the petitioner's representation dated 06.08.2009 and pass appropriate orders on merits within a period of six (6) weeks; that the first respondent thereafter passed order dated 02.08.2011 without considering the petitioner case in proper perspective and rejected the claim, which is highly arbitrary and unreasonable.

4. The petitioner contending as above seeks for quashing of the proceedings of the first respondent dated 02.08.2011 with a consequential direction to the respondents to revise and refix the pay of the petitioner as had been done to other similarly placed persons as per G.O.Ms.No.762 dated 20.08.1986 as adopted by the respondents vide B.P.No.505 dated 12.12.1986, from the date of the appointment of the petitioner and to revise all the increments based on the above.

5. Counter affidavit on behalf of the first respondent is filed.

6. The respondents, by the counter affidavit while denying the writ averments contended that the Government had issued orders revising scale of pay of certain categories in technical post in Public Works Department and also ordered a uniform scale of pay of Rs.610-1075 for ordinary grade and selection



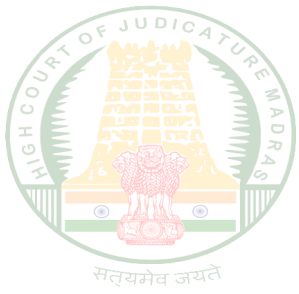
grade pay of Rs.705-1230 to be adopted for employees who have educational qualification of SSLC pass plus ITI certificate holders and the scale of pay of Rs.555-970 for ordinary grade and selection grade pay of Rs.610-1075 to be adopted for employees who do not have SSLC grade with ITI certificate, working in various works; that by G.O.Ms.No.762 dated 20.08.1986, uniform pay scale have been ordered for seven trade post with the qualification of SSLC pass+ ITI and 14 trade posts with qualification of SSLC failed + ITI; that the Government vide the said Government Order had directed that wherever the prescribed qualification for a grade post in their department is ITI and the present scale of pay are lower than the pay scale indicated in the Annexure of G.O.No.762, Head of the Department concerned are requested to send necessary proposals for pay scale of such post; that the aforesaid G.Os was adopted by the first respondent vide B.P.No.505 dated 12.12.1986 with the same terms and conditions as ordered in the Government Order.

7. The respondents, by the counter affidavit further contended that the Trade post of Helper, Assistant Drillers and Driller are not indicated in Annexure to the G.O.Ms.No.762; that pay of Helper, Assistant Drillers and Drillers were not revised as per B.P.Ms.No.505 dated 12.12.1986; that 19 persons who were in the post of Helpers, Assistant Drillers and Drillers approached the Labour Court in Tirunelveli in I.D.No.147 of 1993 and obtained orders; that the first respondent in the meanwhile instructed the Chief Engineer, Madurai to examine and fix the pay of the petitioners in I.D.No.147 of 1993



only as per orders in B.P.Ms.No.505 dated 12.12.1986 subject to their eligibility; that the writ petitioner is not a petitioner in I.D.No.147 of 1993

before the Labour Court; that the petitioner instead filed a writ petition vide W.P.No.9003 of 2011 before this Court seeking revision of pay as per B.P.No.505 dated 12.12.1986; that this Court had directed the respondents to consider the representation dated 06.08.2009 and pass orders on merits within six(6) weeks; that the first respondent by considering the representation of the petitioner had rejected the same by the impugned order stating that the order of the I.D.No.147 of 1993 is applicable only to the parties before the Industrial Tribunal; that the G.O.Ms.No.762 dated 20.08.1996 issued to revise the pay scale of the post indicated in the Annexure of the said Government Order; that the post of the Assistant Driller has not been recommended in the Annexure to the said Government Order; that as the said Government Order was adopted by the respondent board vide B.P.Ms.No.505 dated 12.12.1986, and as such the terms and conditions as stipulated in G.O.Ms.No.762 would apply; that some of the employees of the respondent who were appointed as Helper and redesignated as Assistant Drillers filed the writ petition vide W.P.Nos.15798 to 15800 of 2010 and 27369 of 2010 before this Court; that the Hon'ble High Court dismissed the said writ petitions vide order dated 17.10.2012; that the petitioner having accepted different pay scale on the basis of respondent Board proceedings vide B.P.No.547 dated 04.12.1997 cannot turn around at this point of time to claim the benefits of the earlier Board proceedings.



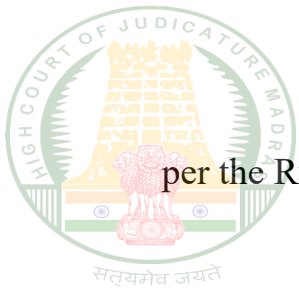
8. The respondents contended that B.P.Ms.No.547 dated 04.12.1997 was implemented to the petitioner and his Trade was redesignated as Assistant Driller with effect from 01.06.1988 and pay fixed with effect from 01.06.1988 notionally and monetary benefit was granted from 01.04.1992.

9. Contending as above, the respondents seek for dismissal of the writ petition.

10. I have taken note of the respective contentions urged.

11. Though the petitioner by the writ petition filed had claimed of he having been appointed as Helper-cum-Welder by the Executive Engineer, Salem vide proceedings dated 27.10.1987, a reading of the subject of the said proceedings would indicate that on account of introduction of Double shift operation in TWAD Board, sanction for additional posts was granted for the appointment of 'Helpers' and orders being issued in that connection.

12. Further, the opening paragraph of the said proceedings would show that the candidates mentioned therein who are sponsored by the District Employment Officer, Cuddalore are being temporarily appointed as 'Rig Helpers' with a pay mentioned there against with usual allowance admissible as



per the Rules.

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13. Though the petitioner had claimed of he having been appointed as Helper-cum-Welder on the basis of the description mentioned against his name at Sl.No.14 of the said proceedings in Column 3 thereof, the heading of Column 3 of the said proceedings reads as “place to which posted”. As the respondents by the said proceedings, being the appointing authority had indicated that the candidates whose names are mentioned in the said proceedings are to be posted to the TWAD Board, Mechanical Sub Division, Villupuram or Vellore as detailed therein. It is pursuant to the said proceedings, the petitioner’s place of posting was mentioned at Assistant Executive Engineer, TWAD Board, Mechanical Sub Division, 28, 8 East Main Road, Gandhi Nagar, Vellore -6, North Arcot District.

14. Further in the conditions mentioned at the bottom of the proceeding would show that in respect of candidates mentioned in Sl.No.3,7,9,10,11,12, 14, 15 and 16, they were directed to perform as Welders and whenever their services are utilised for welding jobs, in addition to their pay for regular job, a sum of Rs.50/- per month would be paid as special allowance.

15. Admittedly, the name of the petitioner finds mention at Sl.No.14 of the said list and is covered by the aforesaid condition mentioned in

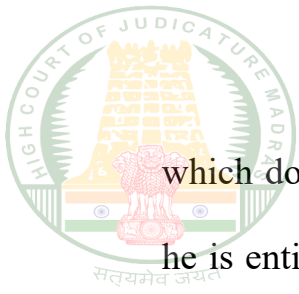


the proceedings. However, that by itself would not make the appointment of the petitioner as Welder for him to claim the benefit under G.O.No.762 as adopted by the respondents vide B.P.Ms.No.505 dated 12.12.1986 giving a go-by to his appointment as a 'Rig Helper'.

16. Further, the respondents by Board proceedings No.547 dated 04.12.1997 having redesignated the post of 'Rig Helper' as 'Assistant Driller' with the scale of pay of Rs.950-1500 holding the post of Rig Helper holding the post of ITI qualification being accommodated in the redesiinganted post, the petitioner whose primary appointment is as Rig Helper stood redesignated as Assistant Driller and was entitled to scale of pay to Rs.950-1500.

17. The respondents, by the said Board proceedings, having redesignated the post of 'Rig Helper' as 'Assistant Driller' and also having given the benefit of scale pay of Rs.950-1500 notionally from 1988 and monetary benefits from 1992, the petitioner having claimed the said monetary benefits, cannot after 15 years, approach this Court by filing the present writ petition claiming that he is entitled to the benefit as per G.O.Ms.No.762 dated 20.08.1986 adopted by respondents vide B.P.Ms.No.505.

18. Even otherwise the petitioner is not entitled to claim the benefit of G.O.Ms.No.762 as adopted by the respondent vide Board proceedings No. 505 as the primary job of the petitioner as per his appointment is 'Rig Helper',



which does not find mention in G.O.Ms.No.762 for the petitioner to claim that he is entitled to the said benefit on the respondent adopting the same by Board Proceedings No. 505 dated 12.12.1986.

19. The benefit of the G.O.No.762 is confined only to the post as mentioned under the heading Group-I and Group-II in G.O.Ms.No.762 and since, admittedly, the post of 'Rig Helper' is not found included therein, the petitioner would not be entitled to claim the benefit of said Government Order merely on account of he possessing the qualification prescribed for being granted the pay scale mentioned therein i.e., SSLC pass and ITI which benefit is applicable/available only when the employee is holding the post mentioned in the said Government Order and not to otherwise.

20. Further, two Co-ordinate Benches of this Court having considered the similar issue vide order dated 17.10.2012 in W.P.No.15798 to 15800 of 2010 and 27369 of 2010 and order dated 25.03.2021 in W.P.No.9696 of 2014 and 23692 of 2017, whereby a similar claim and contention was rejected by this Court, this Court is of the view that the said orders are to be followed in order to maintain parity.

21. In view of the above, the writ petitions as filed are devoid of merit and are accordingly, dismissed. No costs. Consequently connected miscellaneous petitions are closed.

10-07-2026



Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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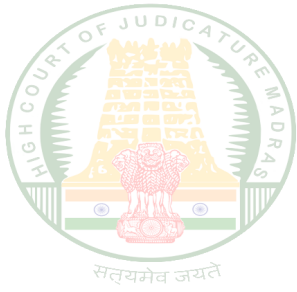
To

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Tamil Nadu Water Supply and Drainage Board, 31, Kamarajar Salai, Chepauk,
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T.VINOD KUMAR J.

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Order in

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