

**(2007) 01 MAD CK 0173**

**In the Madras High Court**

**Case No : Writ Petition No. 23441 of 2006**

Deenadayalan S. and Others

APPELLANT

Vs

Chairman, Port Trust and Others

RESPONDENT

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**Date of Decision : 18-01-2007**

**Acts Referred:**

**Citation : (2007) 2 LLJ 776**

**Hon'ble Judges : K. Chandru, J**

**Bench : Single Bench**

**Advocate : K. Raja, for the Appellant; M.R. Dharani Chander, for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

K. Chandru, J.—The present writ petition is filed by the three employees of the Chennai Port Trust challenging the action of the Port Trust in preparing a new roster by which certain persons who are employed as Junior Assistants are now brought to deal with time keeping Section and also D.Cs Buoy Yard Office. Those persons who are now given postings in the said Section have all been cited as respondents 3 to 6 in this writ petition.

2. I have heard the arguments of Mr. K. Raja, the learned Counsel for the petitioners and Mr. M.R. Dharani Chander, the learned Counsel appearing for the Port Trust. The argument of the learned Counsel for the petitioners was that the persons who are holding higher office are now brought to do the work of the time keeping Section and this cannot be allowed because, if it is allowed, the petitioners would be deprived of getting their fixed overtime allowance. Apart from this, they are also not getting promoted to the post of Junior Assistant, which requires eight years in the present post. The question of promotion to the post of Junior Assistant is not an issue before this Court. However, on the question of getting a share in the fixed overtime allowance, it is seen from the records and also from the counter filed by the Deputy Port Conservator of the Chennai Port Trust that there has been a demand by the recognised unions that

only a set of persons are getting fixed overtime allowance and on experimental basis they want to have a rotational system so that everyone will have the share of the fixed overtime allowance. The desirability of the overtime allowance is not an issue before this Court. However, there cannot be any grievance if the Port Trust, being a statutory authority, entertains a grievance from the recognised unions that the benefit of fixed overtime allowance should not be given to a set of workmen alone and it should be shared by all the persons in that Section. As the correspondence annexed in the typed-set of papers filed by the Port Trust also clearly shows that it has been done only on experimental basis, that too, initially for a period of one year. Hence the petitioners' argument that they have a vested right to continue in that Section so as to get the benefit of fixed overtime allowance cannot be entertained, as it does not involve any legal right on the part of the petitioners. Further, the attempt by the Port Trust to equitably share the allowance on rotational basis cannot be found fault with. Under these circumstances, the writ petition lacks merits and it is dismissed. Consequently, the stay petition in M.P. No. 3/2006 is also dismissed. In view of the above, there is no need for further orders in the vacated stay petition in M.P. No. 4/2006 filed by the Port Trust and it is closed. The parties are allowed to bear their own cost.