

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WA.No. 658 of 2011 IN WP(C).6290/2008

AGAINST THE JUDGMENT IN WP(C) 6290/2008 of
HIGH COURT OF KERALA DATED 10-02-2011

APPELLANT(S)/PETITIONER:

C.DAMODARAN, CHERASSERY HOUSE,
MANAKADAVU, PANTHEERAN KAVU P.O., OLAVANNA VILLAGE
KOZHIKODE, NOW RESIDING AT CHERASSERY HOUSE
POIKKATTUSSERY, CHENGAMANADU P.O., ALUVA - 683 578.

BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR

RESPONDENT(S)/RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
 2. THE DIRECTOR,
DIRECTORATE OF PORTS, THIRUVANANTHAPURAM-695010
 3. THE PORT OFFICER, PORT OFFICE,
CALICUT - 673032.

BY Sr.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.658 of 2011

Dated this the 18th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The writ appeal is filed by the appellant challenging judgment dated 10.2.2011 in W.P.(C)No.6290/08. The writ petition has been filed by the petitioner challenging Ext.P8, an order passed by the respondent authorities, by which, his claim for sanctioning the benefit of higher grade by re-fixing the pay scale from time to time and disbursement of the arrears had been rejected by the respondent. The learned Single Judge has dismissed the writ petition holding that the issue projected by the petitioner was already covered by Ext.P7 judgment in W.A.No.1225/05. In the said judgment, it is clearly indicated that the grievance of the petitioner cannot be set right by permitting the petitioner to avail of a time bound higher grade promotion reckoning the service in another scale of pay. Under such circumstances, the

respondent authorities were justified in rejecting the claim of the petitioner in that regard. However, by Ext.P8, the petitioner was given sufficient concession and he was given higher grade claim of 25 years. Since the issue projected by the petitioner was already covered by the judgment in the aforesaid writ appeal, we do not think that the learned Single Judge has committed any error in dismissing the writ petition. We do not find any good ground to interfere with the judgment of the learned Single Judge in exercise of the appellate jurisdiction. Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

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P.A. to Judge