

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C) .No. 2952 of 2009 (B)

PETITIONER:

T.P. AJITHKUMAR, BOAT MASTER,
KERALA SHIPPING AND INLAND NAVIGATION CORPORATION,
GANDHI NAGAR, KOCHI -20.

BY ADVS.SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENT:

KERALA SHIPPING AND INLAND NAVIGATION
CORPORATION, GANDHI NAGAR, KOCHI-20
REPRESENTED BY ITS MANAGING DIRECTOR.

R,R BY ADV. SRI.V.J.MATHEW,SC,KSINC(KERALA SHIPPING
R. BY ADV. SRI.SANTHOSH MATHEW,SC,KINCO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

P1: COPY OF APPOINTMENT ORDER ISSUED TO THE PETITIONER'S

P2: COPY OF ORDER DATED 30.11.90 ISSUED BY THE RESPONDENTS

P3: COPY OF SCHEME FOR TIME BOUND HIGHER GRADE PROMOTION IN THE
RESPONDENT CORPORATION

P4: COPY OF ORDER DATED 22.4.2013 ISSUED BY THE RESPONDENT

P5: COPY OF INTIMATION DATED 11.6.08 RECEIVED BY THE PETITIONER FROM
THE RESPONDENT

P6: COPY OF REPRESENTATION DATED 30.8.08 SUBMITTED BY THE PETITIONER

RESPONDENT'S EXHIBITS:

R1(A): COPY OF THE ORDER NO.A.8/406/96 DT.4.11.96 ISSUED BY THE
RESPONDENT

R1(B): COPY OF THE LETTER DT.6.6.08 ISSUED BY THE PETITIONER TO THE
RESPONDENT

R1(C): COPY OF THE REPRESENTATION DT.22.8.08 SUBMITTED BY THE
PETITIONER TO THE RESPONDENT

R1(D): COPY OF THE REPLY LETTER DT.29.8.08 ISSUED BY THE RESPONDENT
TO THE PETITIONER

R1(E): COPY OF THE REPRESENTATION DT.25.10.08 SUBMITTED BY THE
PETITIONER TO THE RESPONDENT

R1(F): COPY OF THE REPLY LETTER DT.16.12.08 ISSUED BY THE RESPONDENT
TO THE PETITIONER

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TRUE COPY

PA TO JUDGE

P.V.ASHA, J.

.....
W.P.(C) No.2952 of 2009
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Dated this the 15th day of October, 2015

JUDGMENT

The petitioner, who is working as Boatmaster under the respondent, filed this Writ Petition challenging Ext.P5 and complaining that he was not granted the benefit of 2nd higher grade with effect from 1.12.2006 on completion of 16 years in the cadre of Boat Master.

2. I heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent.

3. Petitioner commenced his service as Lascar in the year 1986 was promoted as Boatmaster in the year 1990. Petitioner requested to grant higher grade with reference to the scale of pay of Boatmaster. By Ext.P5, the respondent informed the petitioner that his pay was fixed in accordance with paragraph 16 of G.O.(P) No.145/2006 - Fin. dated 25.3.2006 and that higher grade can be granted reckoning his entry post of Lascar only and there is no provision to grant higher grade reckoning promotion

post of Boat Master.

4. According to the petitioner higher grade has to be granted reckoning his scale of pay in the promotion post ie. Boat Master, to which post he was promoted as per Ext.P2 with effect from 30.11.1990. But the orders relating to grade promotion are Ext.R1(a) and Ext.P3. It was as per Ext.R1(a) order No.A8/406/96 dated 4.11.1996 that grade promotions were introduced under the respondent. Accordingly employees of the Corporation completing 10 years of continuous service in the same scale of pay were entitled to the next higher scale of pay as provided in the Government order issued on 25.9.1993, referred to therein. Ext.P3 is the subsequent order by which higher grades were sanctioned to the employees of the respondent. As per this, the first higher grade is admissible on completion of 8 years of service in the entry post; 2nd higher grade is admissible on completion of 16 years of service in the entry post/and the first regular promotion post/time bound higher grade taken together and the 3rd higher grade is admissible on completion of 23 years of total service in the entry

post, the first regular promotion post/time bound higher grade and the 2nd regular promotion post/time bound higher grade, taken together. The scale of pay for the entry post with corresponding scale of pay for the 1st, 2nd and 3rd higher grade was also given in this.

5. The respondents have in their counter affidavit explained that the petitioner was already granted higher grade on the basis of the orders in force. It is stated that the petitioner became eligible for the 1st higher grade on completion of 10 years on 1.1.1996 in the entry post. But he had already got regular promotion in the year 1990, the scale of pay of which is the same as that of the promotion post. It is stated that the petitioner became eligible for the 2nd higher grade on 1.1.2004 on completion of 18 years of service in the entry post and it was granted to him and his pay was fixed accordingly, based on the option submitted by him. Similarly, he was granted 23 years of higher grade with effect from 25.3.2009 -the date on which he became eligible for the same and his pay was fixed on the basis of his option. It is further stated that his pay was fixed in

accordance with the rules prevailing at the relevant time. The complaint of the petitioner regarding the anomaly of juniors getting higher pay is also answered in paragraph 15 of the counter affidavit which reads as follows:

15.The allegation in para 5 that the petitioner's juniors both in the cadre of Lascars and Boat Masters (TICM) receive more emoluments than him is factually not correct and mis-leading. Sri. K. Vasu, who joined as a Lascar in 1985 is admittedly senior to the petitioner and got the 3rd higher grade in the year 2008. The petitioner joined duty only in 1986 and is eligible for the 3rd higher grade only on 25/03/2009. Hence, Sri. K. Vasu is drawing higher pay than the petitioner. The petitioner had submitted a representation dtd 22/08/2008 before the respondent pointing out the above alleged difference and the respondent had issued a reply dtd 29/08/2008 clarifying the true facts. The true copy of the representation dtd 22/08/2008 submitted by the petitioner to the respondent is produced herewith and marked as Exhibit R1(C). The true copy of the reply letter dtd 29/08/2008 issued by the respondent to the petitioner is produced herewith and marked as Exhibit R1(D).

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In the light of the above circumstances, there cannot be any subsisting grievance for the petitioner and no further orders are seen required in this Writ Petition. Hence the writ petition is closed.

**P.V.ASHA,
JUDGE.**

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