

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 10528 of 2006 (C)

PETITIONER(S):

1. P.K.BHASKARAN,
ASSISTANT GRADE-I (DEPOT), FOOD CORPORATION OF INDIA
ANGAMALY, ERNAKULAM DISTRICT, PULPRAMYALIL HOUSE
KULAYETTIKKARA P.O., KANJIRAMATTOM, PIN-682 315.
2. T.MANIYAN (RETIRED ASSISTANT GRADE I
(DEPOT), FOOD CORPORATION OF INDIA, KOCHI)
'DEEPU NIVAS', S.L. PURAM P.O., CHERTHALA.

BY ADVS.SRI.S.P.PARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO

RESPONDENT(S):

1. THE ZONAL MANAGER,
FOOD CORPORATION OF INDIA, ZONAL OFFICE
NO.II HADDOWS ROAD, CHENNAI-600 006.
2. THE SENIOR REGIONAL MANAGER,
FOOD CORPORATION OF INDIA, REGIONAL OFFICE
KESAVADASAPURAM, THIRUVANANTHAPURAM-695 004.

R1 & 2 BY ADV. SRI.T.P.M.IBRAHIM KHAN, SC, FCI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1** TRUE COPY OF THE LETTER NO.WRC 1.12.02/PF DATED 10.8.2004 OF THE 2ND RESPONDENT.
- EXT.P2** TRUE COPY OF THE JUDGMENT IN WPC.NO15638/2005 DATED 25.5.2005 OF THIS HONOURABLE COURT.
- EXT.P3** TRUE COPY OF THE ORDER NO.WRC 1.8.2005 -PF DATED 2.8.2005 OF THE 2ND RESPONDENT.
- EXT.P4** TRUE COPY OF THE ORDER O.O.NO.272/2005-ESTT.I. DATED 14.7.2005 OF THE 1ST RESPONDENT.
- EXT.P5** TRUE COPY OF THE ORDER NO.WRC 1.8.2005-PF DATED 24.10.2005 OF THE 2ND RESPONDENT.
- EXT.P5(A)** TRUE COPY OF THE ANNEXURE TO EXT.P5
- EXT.P6** TRUE COPY OF THE ORDER O.O.NO.369/2005/ESTT.I. DATED 19.10.2005 OF THE 1ST RESPONDENT.
- EXT.P7** TRUE COPY OF THE ORDER NO.WRC 1.8.2005-PF DATED 8.12.2005 OF THE 2ND RESPONDENT.
- EXT.P7(a)** TRUE COPY OF THE ANNEXURE TO EXT.P7
- EXT.P8** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT DATED 25.1.2006
- EXT.P9** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT DATED 30.1.2006

RESPONDENT(S)' EXHIBITS :

- EXT.R-2(A)** A PHOTOSTAT COPY OF THE PROCEEDINGS NO.WRC 1.2.2000-PF DATED 18.5.2002 ISSUED BY THE RESPONDENTS.
- EXT.R-2(B)** A PHOTOSTAT COPY OF THE LETTER NO.E1/2/(15)2000-PF DATED 3.12.2001 ISSUED BY THE FIRST RESPONDENT.
- EX.R-2(C)** A PHOTOSTAT COPY OF THE PROCEEDINGS NO.WRC 1.2.2000-PF DATED 11.10.2004 ISSUED BY THE SECOND RESPONDENT.
- EXT.R2(D)** A PHOTOSTAT COPY OF THE ORDER NO.134/2001/E-1 DATED 12.4.2001 ISSUED BY THE FIRST RESPONDENT ALONG WITH THE EXTRACT OF THE LIST OF PROMOTEES AS ASSISTANT GRADE II FOR THE YEAR 1988

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- EXT.R2(E) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.WRC 1.1.2003 PF VOL.III DATED 10.1.2005 OF SENIOR REGIONAL MANAGER, FOOD CORPORATION OF INDIA, THIRUVANANTHAPURAM.
- EXT.R2(F) A PHOTOSTAT COPY OF THE REPRESENTATION DATED 1.6.2002 SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENTS.
- EXT.R2(G) A PHOTOSTAT COPY OF THE REPRESENTATION DATED 19.11.2003 SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENTS.
- EXT.R2(H) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.W.R.C. 1.2.2000 PF DATED 28.2.2002 ISSUED ALONG WITH ITS ANNEXURES BY THE GENERAL MANAGER, FOOD CORPORATION OF INDIA.
- EXT.R2(I) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.W.R.C. 1.1.2003 PF DATED 12.1.2005 ALONG WITH ITS ANNEXURES ISSUED BY THE GENERAL MANAGER, THIRUVANANTHAURAM.
- EXT.R2(J) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.W.R.C. 1.1.2003 PF DATED 23.11.2004 ALONG WITH ITS ANNEXURES ISSUED BY THE GENERAL MANAGER, THIRUVANANTHAURAM.
- EXT.R2(K) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.W.R.C. 1.1.2003 PF DATED 11.5.2006 ALONG WITH ITS ANNEXURES ISSUED BY THE GENERAL MANAGER, THIRUVANANTHAURAM.
- EXT.R2(L) A PHOTOSTAT COPY OF THE OFFICE LETTER WRC 1.8.06 DATED 7.4.2006 ALONG WITH ITS ANNEXURES ISSUED BY THE GENERAL MANAGER, THIRUVANANTHAURAM.
- EXT.R2(M) A PHOTOSTAT COPY OF THE PROCEEDINGS NO.W.R.C. 1.2.2000 PF DATED 11.5.2006 ISSUED BY THE GENERAL MANAGER, THIRUVANANTHAURAM.

/TRUE COPY/

PA TO JUDGE

VS

K.VINOD CHANDRAN, J.

W.P.(C).No.10528 of 2006

Dated this the 20th day of November, 2015

JUDGMENT

Petitioners are retired employees of the respondent Corporation, who claim for pay parity with their juniors. The narration of the full facts is not necessary, since the petitioners only seek consideration of Exts.P8 and 9 representations, which according to the learned counsel for the petitioners has to be considered favorably, even going by the counter affidavit filed by the respondent Corporation. This Court did not have the benefit of hearing the Counsel representing the Food Corporation of India, despite passing over the matter for many days and keeping it aside for the Counsel to appear. None appeared for the respondent Corporation.

2. The petitioners were initially appointed as Assistant Grade III and by accelerated promotions, placed them in the Selection grade. However, on a litigation being initiated against the accelerated promotion given to

graduates, it is admitted that the Honourable Supreme Court interfered with the same and the petitioners suffered a reversion in that contest. The pay anomaly projected by the petitioners is when they were continuing as Assistant Grade I in the respondent Corporation.

3. The specific contention raised is that the petitioners pay was lower than that of their juniors. A counter affidavit has been filed by the Corporation, which according to the petitioners lends credence to the said contention. The incumbency details of the petitioners and one junior has been extracted in tabular form in paragraph 18 of the counter affidavit as quoted below:

<i>Items of information</i>	<i>P.K.Bhaskaran</i>	<i>T.Maniyan</i>	<i>T.V.Baby</i>
1.Initial appointment	22.04.1976	22.04.1976	08/01/76
2. Year of recasted promotion as AG.II	1988	1988	1979
3. Dt. from which posted as selection grade AG.II	12 years	12 years	3 years
4. Promotion to the post of AG.I	8/1994	8/1994	<u>31.12.96(N)</u> 01.08.97(A)

Items of information	P.K.Bhaskaran	T.Maniyan	T.V.Baby
5. Length of service as AG.II (ie.5-2)	6 years	6 years	17 years
7. Pay as on 8/1994	Rs.4630/-(AG.I)	4630/-(AG.I)	4630/-(S/G AG.II)
8. Pay as on 12/96 as AG.I.	4940+155PP	4940+155P P	5250 (Notional)

4. It is very clear from the above table that the petitioners had 6 years service respectively in Assistant Grade II posts, while T.V.Baby had service of 17 years in Assistant Grade II. This in all probability is due to the accelerated promotion granted to the petitioners, which was set aside by the Honourable Supreme Court. It is seen from the tabulation that T.V.Baby was senior to the petitioners, at the time of initial appointment and also when they were promoted to Assistant Grade II. The promotion of T.V.Baby as Assistant Grade II was in the year 1979, while the promotion of the petitioners were in the year 1988 as Assistant Grade II, long after the promotion of T.V.Baby. The accelerated promotion which is set aside by the Honourable Supreme Court would definitely have prompted the respondent Corporation to

re-fix the seniority, in accordance with the Supreme Court judgment and in which event T.V.Baby would be placed much senior to the petitioners at Assistant Grade I. In such circumstance, this Court is unable to find any anomaly as of now and in any event the petitioners have retired respectively in 2010 and 2014.

The writ petition hence would stand dismissed.

No costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

VS