

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

W.P.(C).No.17614 of 2003 (V)

PETITIONER(S):-

RAMESH BABU G., S/O.GOPALA PILLAI, AGED 54 YEARS,
ASST. ACCOUNTS OFFICER, REGIONAL AUDIT OFFICE,
KERALA STATE ELECTRICITY BOARD, NEDUMANGAD,
THIRUVANANTHAPURAM,
RESIDING AT SREE HARI, T.C.27/385, VANCHIYOOR, TRIVANDRU

BY ADV. SRI.R.S.KALKURA.

RESPONDENT(S):-

1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VAIDHYUTHI BHAVANAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.
2. THE CHIEF ENGINEER (HRM), VAIDHYUTHI BHAVANAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.

R1 & 2 BY SENIOR ADVOCATE SRI.RAJU JOSEPH
R1 & R2 BY SENIOR ADVOCATE SRI.P.SANTHALINGAM
STANDING COUNSEL SRI.S.SHARAN.
BY ADV. SRI.KODOTH SREEDHARAN, SC, KSEB
R1 & R2 BY ADV. SRI.K.T.PAULOSE, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|--------|--|
| EXT.P1 | TRUE COPY OF THE EXTRACT OF THE GRADATION LIST. |
| EXT.P2 | TRUE COPY OF THE RELEVANT PORTION OF THE
BO DATED 24.4.1990. |
| EXT.P3 | TRUE COPY OF THE ORDER NO.EB/GRADATION/5/90
DATED 26.3.1991. |
| EXT.P4 | TRUE COPY OF THE EXTRACT OF GRADATION LIST. |
| EXT.P5 | TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER BEFORE THE CHAIRMAN OF
KERALA ELECTRICITY BOARD. |
| EXT.P6 | TRUE COPY OF THE ORDER NO.ESTT.1-2150/2003
DATED 25.4.2003. |

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.17614 of 2003-V

Dated this the 19th day of October, 2015

JUDGMENT

The petitioner, on the basis of the fact that the petitioner and one Veera Fernandez were first appointed in the post of Junior Assistant/Cashier in the Kerala State Electricity Board [for brevity “the Board”] with higher seniority assigned to the petitioner, claims parity of pay with the other person.

2. Admittedly the petitioner was advised for appointment as Junior Assistant/Cashier on 09.04.1972 and he joined duty on 11.07.1972. In the gradation list, the petitioner was assigned rank No.3506, while Veera Fernandez rank No.3553. The petitioner, finding that there is a better chance of promotion, sought for appointment by transfer as Assistant Storekeeper. The petitioner, in that cadre was promoted to Storekeeper Grade II. However, before the other promotions could be obtained, there was a long term settlement with the recognised Unions, by which there is an integration of the cadre of Storekeepers with the Senior Assistants, Junior Superintendents and Senior Superintendents.

Again as per the gradation list on such integration being made, the petitioner was senior to Veera Fernandez.

3. Even going by the averments in the writ petition itself, Veera Fernandez was given a retrospective promotion with effect from 01.04.1990, by which reason alone the said person is drawing higher pay than the petitioner. Admittedly, as on the date of filing of the writ petition, Veera Fernandez was holding a higher post and drawing a higher scale pay also. The question of equation of pay of a senior and junior could be possible only if they continued in the same post. The petitioner, in fact, claims in the writ petition a retrospective promotion as has been granted in the case of the other person. It is not clear as to when such a retrospective promotion was given to Veera Fernandez and on what basis it was done. In any event, since Veera Fernandez is said to have been promoted and is admittedly occupying a higher post, there could be no equation of post or parity of pay. There could also be no claim raised for a promotion, only on the ground of a junior being promoted; unless the junior is impleaded and there is a specific challenge raised to the said promotion, as one entitled to the petitioner. The alleged junior is not even impleaded here.

In the above circumstance, the writ petition is found to be devoid of merit and the same is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]