

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 21640 of 2010 (D)

PETITIONER(S):

S. VENUGOPAL, RETIRED OFFICER ON SPECIAL DUTY,
HINDUSTAN INSECTICIDES LIMITED, DIVYA, PARAT LANE,
ALUVA.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

1. HINDUSTAN INSECTICIDES LIMITED, SCOPE COMPLEX,
CORE 6, 7 LODHI ROAD, NEW DELHI, REPRESENTED BY
ITS CHAIRMAN & MANAGING DIRECTOR.

2. THE PERSONAL MANAGER, HINDUSTAN INSECTICIDES LIMITED,
UDYOGAMANDAL, KOCHI – 1.

R1 & R2 BY ADVS. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.P.GOPINATH

R1 BY SRI.E.K.NANDAKUMAR SC FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-11-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21640 of 2010

PETITIONER'S EXHIBITS:

- P1 : TRUE COPY OF SERVICE CERTIFICATE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P2 : TRUE COPY OF THE OFFICE ORDER DATED 19.12.1983 ISSUED BY THE 1ST RESPONDENT.
- P3 : TRUE COPY OF REPRESENTATION DATED 11.1.2010 SUBMITTED BY THE PETITIONER.
- P4 : TRUE COPY OF LETTER DATED 8.5.2010 SENT BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

smv

SHAJI P. CHALY, J.

W.P.(C). No.21640 of 2010

Dated this the 9th day of November, 2015

JUDGMENT

This Writ Petition is filed by the petitioner seeking direction to the respondents to re-fix the petitioner's pay after granting him an increment on 01.05.2003 as envisaged in Ext.P2 memorandum and grant him all consequential benefits including arrears of pay and pensionary benefits.

2. Brief facts for the disposal of the Writ Petition are as follows:

3. Petitioner entered service as Junior Assistant on 13.4.1977. Ext.P1 is the service certificate issued by the 1st respondent on superannuation. By Ext.P2 office memorandum petitioner was entitled for increment in the post of Materials Officer reckoning the increment while working as Superintendent (Purchase). While working as Superintendent (Purchase) petitioner has drawn an increment in May 2002. Petitioner was thereafter promoted as Materials Officer on 13.12.2002. The case of the petitioner is that, by virtue of clause 2 of Ext.P2 Office Memorandum, petitioner should have been granted with increment in the promoted post during May 2003 instead of December

2003.

4. Petitioner retired as Officer on Special Duty on 31.3.2013 from the service of the 1st respondent. Since the petitioner felt that an increment payable to him was overlooked by the 1st respondent, petitioner submitted Ext.P3 representation before the 1st respondent, but it was not considered by the respondent. It is thus aggrieved by the inaction on the part of the 1st respondent, this Writ Petition is filed.

5. First and second respondents have filed statements and additional statements contending that in fact the petitioner was granted with increment in December 2002 itself while he was promoted as Materials Officer and therefore, the claim raised by him that he is entitled for an increment in May 2003 is not correct. The said contention put forth by the respondents are denied by the petitioner by filing a reply statement. Learned counsel for the petitioner has also contended that similarly situated persons were provided with increment by the respondents, as claimed by the petitioner and therefore, petitioner is also entitled to get similar treatment at the hands of the respondents.

6. Heard learned counsel for the petitioner as well as learned counsel for the respondents.

7. Having considered the rival submissions, I am of the considered opinion that since there is a factual dispute raised by the

respondents with regard to the payment of increment claimed by the petitioner during December 2003 itself, the subject matter of this Writ Petition can be resolved only by the respondents by taking into account the exact nature of the increments paid to the petitioner during his tenure of service as Superintendent (Purchase) and in the promoted post as Materials Officer. Therefore, the Writ Petition can be disposed of by directing the second respondent to take a decision on Ext.P3 representation submitted by the petitioner within a specified period. In that view of the matter I direct the 2nd respondent to take a decision on Ext.P3 representation submitted by the petitioner within a period of 30 days from the date of receipt of a copy of this judgment after providing an opportunity of hearing to the petitioner and also taking into account any similar precedence.

Writ Petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
09.11.2015