

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4654 of 2014

and

M.P.No.1 of 2014

1.A.Ramanathan
2.R.Ramesh
3.S.Aron
4.S.Rozario
5.Z.Syed Junaith Ahamed
6.V.Ramesh Kumar
7.N.Mahendiran
8.G.Muruganantham
9.K.Ramachandran
10.A.Jaganatha Raja
11.C.R.Soundararajan
12.V.Kubendran
13.G.Muthuselvan
14.S.Sekar
15.S.Sudalai Veerapandian
16.D.Aron
17.A.Manoharan
18.M.K.Tamil Selvan
19.S.Govindaraju
20.V.Ezhumalai
21.K.Subramanian
22.K.Ravichandran

... Petitioners

Vs.

1.The Chairman & Managing Director,
Indian Bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

2.The Executive Director,
Indian Bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

... Respondents

3 The General Manager (HRM)
Indian bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapattah, Chennai 600 014

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1 to 3 respondents to consider the representation made by the petitioners on 02.07.2012 and to pay the equal remuneration between the same cadre and armed guards for work of similar nature from the date of appointment.

For Petitioners : Mr.C.Nithyash Sekhar

For respondents : Mrs.Reta Chandrasekar
for M/s.Aiyar and Dolia

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioners on 02.07.2012 and to pay the equal remuneration between the same cadre and Armed Guards for work of similar nature from the date of appointment.

2-1.It is stated that the petitioners are Ex-service Men and after retiring from the Indian Military Service, the petitioners have applied for the post of "Peon-cum-Armed Guard" with the respondents-Bank through Ex-service Men Employment Office. After completion of the recruitment process, the petitioners have been appointed to the said post at various places across the State of Tamil Nadu, in the middle of the year 2011 on different dates. Some of the petitioners are working within the Chennai City limit, including the Indian Bank's Corporate Office.

2-2.As per the appointment order issued by the respondents, Basic Pay is fixed at Rs.5,850/- per month, because the petitioners retired from the Army prior to 01.01.2006, at that time the 5th Pay Commission was in force. Recently, the respondent-Bank recruited new Armed Guards and gave the appointment order to the following persons_

(i)R.Deenadayalan, SR.No.4240937

(ii)M.Jesu, SR.No.42355

(iii)R.Jesuraj

(iv)P.Srinivasan, SR.No.42335

(v)M.Nagarajan, SR.No.42323

The respondent-Bank fixed their Basic Pay at Rs.11,750/- per month. It is stated by the petitioner that the said persons are very junior to the petitioners and retired from the Army service

after 01.01.2006 and they have been covered by the 6th Pay Commission. Now, the petitioners and the said newly recruited persons are working in the same cadre with similar nature of work under the respondents at the different branches; but they are getting more salary around Rs.6,000/-, than the petitioners under the heads of Basic Pay only. Hence, the petitioners have made representation to the respondents on 02.07.2012; but, no proper reply was received by the petitioners. Hence, the petitioners have come forward with the present writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the respondents-Bank produced a Circular dated 30.01.2014, issued by the Indian Banks' Association, vide No./HR&IR/CIR/2013-14/589/8764, and submitted that the respondent-Bank is prepared to consider the representation of the petitioners in the light of the said Circular.

4. In view of the submission made by the learned counsel for the respondents-Bank, this Court directs the petitioners to give a fresh representation to the 1st respondent with regard to fixation of their pay, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 1st respondent is directed to consider the same in the light of the above said Circular, dated 30.01.2014, and to pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Chairman & Managing Director,
Indian Bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

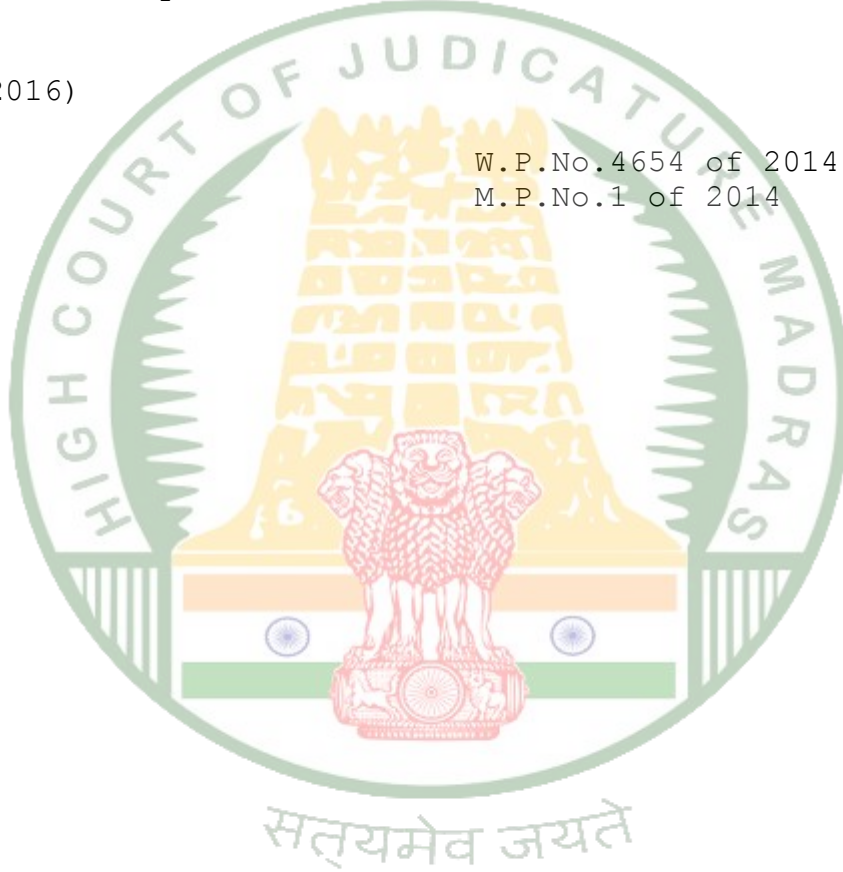
2.The Executive Director,
Indian Bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai-600 014.

3 The General Manager (HRM)
Indian bank, Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014

+1cc to Mr.Aiyar and Dolia, Advocate, S.R.No.59039
+2cc to Mr.C. Nithyash Sekar, Advocate, S.R.No.59233

TRM(CO)
md(11/11/2016)

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