

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5853 of 2017

N.Rethinasamy .. Petitioner

-vs-

1. The Chairman
Tamil Nadu Generation & Distribution
Corporation Co.Ltd.,
No.144, Anna Salai
Chennai 600 002
2. The Chief Engineer / Personnel
Tamil Nadu Generation & Distribution
Corporation Co.Ltd.,
No.144, Anna Salai
Chennai 600 002 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to rectify the pay anomaly in the terms of the Government Order in G.O.(Ms.) No.25, Personnel and Administrative Reforms (FR.IV) Department dated 23.03.2015.

For Petitioner :: Mr.D.Soundar Raj

For Respondents :: Mrs.R.Varalakshmi

ORDER

The petitioner was appointed as Tester Grade II on 6.8.79 and subsequently retired from service as Assistant Executive Engineer (Electrical) on 31.5.2016. His grievance is that one of his juniors Mr.K.Kottur Gurusamy Pandian, who was also serving as Assistant Executive Engineer, subsequent to his appointment as Tester Grade II on 20.8.80, was given higher salary. When the petitioner entered the service as Tester Grade II on 6.8.79, he was drawing a salary of Rs.315+DA. Subsequently, in the cadre of Test Grade I, the petitioner's basic pay was fixed at Rs.830+DA. Whereas in the case of Mr.K.Kottur Gurusamy Pandian, who joined the post of Tester Grade II on 20.8.80 and was given the first increment in the said cadre on 1.7.81, was drawing the same basic pay in the cadre of Tester Grade I equal to the petitioner at Rs.830+DA. Thereafter, when the petitioner was promoted to the post of

Junior Engineer Grade II on 22.5.89, his basic pay was fixed at Rs.1620+DA. Whereas, his junior Mr.K.Kottur Gurusamy Pandian, who was promoted to the said post of Junior Engineer Grade II on 30.3.90, was also given the same basic pay of Rs.1620+DA. Even on promotion to the post of Junior Engineer First Grade on 5.6.95, the petitioner was assigned the seniority in Serial No.1913 and that his junior's seniority was placed only in Serial No.2010, as he was promoted to the said post only on 15.9.95. Therefore, when it is a clear case that Mr.K.Kottur Gurusamy Pandian was all along considered as junior to the petitioner even from the date of entry into service, the basic pay fixed at the time of time of promotion to the post of Assistant Executive Engineer cannot be lesser than his junior. The reason is that when the petitioner was fixed the basic pay of Rs.36,530+6100+DA, his junior was given the basic pay of Rs.39,580+6100+DA. Therefore, a representation was given along with a comparative table showing the particulars for considering the pay anomaly. Till date, the same has not been considered. Hence a direction may be issued.

2. The learned standing counsel, taking notice for the respondents, sought sufficient time to consider the petitioner's representation.

3. This Court, while directing the petitioner to submit a fresh representation along with the comparative statement within a week from the date of receipt of a copy of this order, further directs the respondents to consider the said representation of the petitioner on merits and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of such representation from the petitioner. With this observation, the writ petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

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Tamil Nadu Generation & Distribution
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No.144, Anna Salai
Chennai 600 002

2. The Chief Engineer / Personnel
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No.144, Anna Salai
Chennai 600 002

+1 cc to Mrs.R.Varalakshmi, advocate, sr.15119.

+1 cc to Mr.D.Soundarraaj, advocate, sr.15087.

skv(co)
krd 28/3

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