

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.5854 of 2017

D.Srinivasan .. 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 Technical Assistant Grade II on 30.7.79 and subsequently retired from service as Assistant Executive Engineer (Electrical) on 31.5.2015. His grievance is that one of his juniors Mr.K.A.Manivannan, who was also serving as Assistant Executive Engineer, subsequent to his appointment as Technical Assistant Grade II on 8.8.79, was given higher salary. When the basic pay of the petitioner as on 1.1.2013 was fixed at Rs.36,540+6100 GP and that of his junior was fixed at Rs.31,450+6100 GP, while fixing the pay on 1.1.2014, the petitioner was given Rs.37,820+6100 GP, whereas his junior was given Rs.39,090+6100 GP. Therefore, when it is a clear case that Mr.K.A.Manivannan 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.39,1000+40 PP + 6100 GP as on 1.1.2015, his junior was given the basic pay of Rs.41,850+6100 GP on the said date. Therefore, a representation was given along with a comparative statement 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

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
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No.144, Anna Salai
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+1 cc to Mr.D.Soundarraaj,advocate,sr.15088

skv(co)
krd 28/3

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