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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2017**

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.1521 of 2011

S.Periakaruppan

... Appellant/ Petitioner

Vs.

1.Union of India,
through its Under Secretary,
Ministry of Finance Department of Economic Affairs,
Banking Division, North Block,
New Delhi-110 001.

2.UCO Bank,
A Body constitute under the
Banking Companies Acquisition
and Transfer of Undertaking Act 1970,
represented by its General Manager
having its Head Office at UCO Bank,
12, Old Court House Street,
Kolkatta-700 001.

3.The Deputy General Manager,
UCO Bank,
Regional Office,
328, Thambu Chetty Street,
Chennai-600 001.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, Praying to allow the appeal and set aside the order dated 30.09.2011 in W.P.(MD)No.2722 of 2006, on the file of this Court.

Prayer in WP(MD). 2722/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order of the 1st respondent dated 28/03/2002 issued in the 1st respondents referenfe No. 6/3/2002- SCT(B) communicated in the 2nd respondents reference SF 2/2002 dated 09/04/2002 and quash the same and directing the respnodents to pay the petitioner the two increments denied to him and together with the consequential arrears.



For Appellant : Mr.K.Muthumalai Raja
For R-1 : Mr.R.Murugappan
For R-2 : Mr.K.Govindarajan
For R-3 : Mr.Srinath Sridevan

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JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful Writ Petitioner is on appeal challenging the order dated 30.09.2011 made in W.P.(MD)No.2722 of 2006.

2. The case of the appellant is that he is an Ex-Service man, who after retiring from Indian Airforce, joined in the second respondent bank, as Clerk-cum-Cashier on 21.07.1980. He retired from service on 30.09.2004.

3. According to the Writ Petitioner, his scale of pay was not correctly fixed. It is his contention that two increments were denied and therefore, the same should be notionally added up with the consequential arrears. His request was however rejected by order dated 28.03.2008. The same was challenged in W.P.(MD)No.2722 of 2006. The learned Single Judge dismissed the Writ Petition by order dated 30.09.2011. Aggrieved by the same, this Intra-Court appeal has been filed.

4. Heard the learned counsel for the appellants as well as the learned counsel for the respondent bank.

5. The learned counsel for the appellant would contend that the other Public Sector Banks, such as, Corporation Bank have fixed the scale of pay of Ex-Service men, while joining bank service on re-employment. But the respondent UCO bank has not adopted a similar approach.

6. This, in our view, cannot be construed as a discrimination. If UCO bank had given such benefits to any similarly placed employee, but denied in the case of the appellant, the same would amount to discrimination. The appellant, employed in UCO Bank, cannot be compared with the employees of Corporation Bank. That apart, the appellant chose to file the Writ petition in March 2006, when he had retired from service already on 30.09.2004. After serving in the bank for 24 years and retiring from service, the appellant cannot complain that his pay was not correctly fixed and that two increments ought to have been given to him notionally.

7. The learned Judge, after dealing with the matters on merits rightly observed that the Writ Petition deserves to be dismissed on the ground of delay. We see no reason to take a different view.



8. In the result, this Writ Appeal, stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

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Sub Assistant Registrar

+1cc to Mr.R.MURUGAPPAN Advocate in SR. No. 75797

DSS/KM

JS/GT/SAR.1/13.11.2017/3P-2C

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