

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.6311 of 2018
and
W.M.P.No.7804 of 2018

S.Ravindran

... Petitioner

Vs

1.The Chief Engineer (Personnel),
TANGEDCO,
Chennai-2.

2. The Superintending Engineer
(Purchase and Administration),
TANGEDCO-MTPS-I,
Mettur Dam.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent Proceedings made in Memo No.SE/P&A/MTPS-I/Adm.I(5)/F.JE/Mech-I Gr./PR/2018 dated 12.3.2018, to quash the same and consequently, direct the respondents to continue to pay the salary and other benefits without any revision and re-fixation.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mrs.P.R.Dhilipkumar

O R D E R

Challenging the Proceedings of the 2nd respondent made in Memo No.SE/P&A/MTPS-I/Adm.I(5)/F.JE/Mech-I Gr./PR/2018 dated 12.3.2018, refixing the pay of the petitioner at Rs.5950/- from 3.2.2018 and notionally from 10.7.2003 F.N., the date of promotion of the petitioner as Junior Engineer/Mechanical-II Grade, taking into account the pay drawn by him on par with his junior Thiru K.Venkatachalapathy, the present Writ Petition has been filed.

2. Learned Counsel appearing for the petitioner assailing the impugned Proceedings submitted that the petitioner is now working as Junior Engineer-II in the 2nd respondent corporation. While so, the 2nd respondent issued the Proceedings dated 12.3.2018 by re-fixing his pay and for recovering the excess payment w.e.f. 10.7.2003 without issuing any notice whatsoever or calling upon the petitioner to submit his explanation as to why his pay should not be re-fixed on par with his Junior Thiru K.Venkatachalapathy. Hence, according to the learned Counsel, the impugned Proceedings has to be set aside.

3. A perusal of the impugned proceedings shows that no notice whatsoever has been given to the petitioner before serving the impugned proceedings. Therefore, the impugned proceedings re-fixing his salary is liable to be interfered with.

4. However, Mr.P.R.Dhilipkumar, the learned Standing Counsel, who takes notice for the respondents requested this Court to treat the impugned order as a Show Cause Notice and the petitioner may be given two weeks time to give his explanation and thereafter, the 2nd respondent herein will consider and pass order on merits.

5. Recording his statement, the petitioner is directed to treat the impugned Proceedings issued by the 2nd respondent dated 12.3.2018 as a Show Cause Notice and he is also given two weeks time from the date of receipt of a copy of this Order to submit his explanation for the same and on receipt of the said explanation, the 2nd respondent, namely, the Superintending Engineer (Purchase and Administration), TANGEDCO-MTPS-I, Mettur Dam, shall consider the case of the petitioner and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

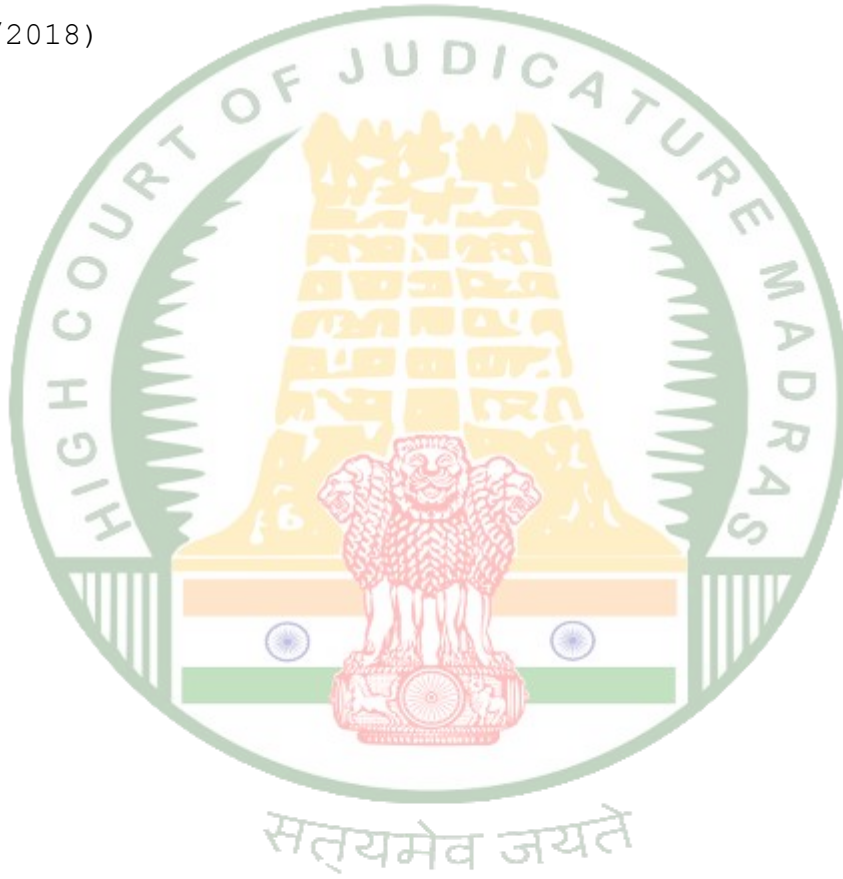
1.The Chief Engineer (Personnel),
TANGEDCO,
Chennai-2.

2. The Superintending Engineer
(Purchase and Administration),
TANGEDCO-MTPS-I,
Mettur Dam.

+lcc to Mr.L.Chandrakumar, Advocate, S.R.No.21465

W.P.No.6311 of 2018

sv (CO)
GSP (09/04/2018)



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