

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.863 of 2017

A.Jawahar

...Appellant

Vs

1.The Station Director
Madras Atomic Power Station
Kalpakkam
Kanchipuram District 603 102.

2.Manager (P & IR)
Madras Atomic Power Station
Kalpakkam
Kanchipuram District 603 102.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.24367 of 2001 dated 07.12.2016.

WP.NO.24367/2001

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent Circular No.18/2000-ADMN IV in proceeding No.NPC/MAPS/3(24) 88-Admn.IV/1121/929 dated 31.08.2000 insofar as to items No.3 and quash the same consequently direct the respondent to fix the pay scale of the petitioner to 6500-10500 pay scale applicable to Assistant Manager (P & IR) from 01.01.1996.

For Appellant : Mr.S.T.Varadarajulu

For Respondents: Mr.V.Vijay Shankar

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant challenged the order dated 31 August, 2000 re-designating the post of Assistant Manager-cum-Store Keeper (Canteen) as Junior Canteen Assistant 'A' before the Writ Court

in W.P.No.24367 of 2001. The learned Single Judge dismissed the writ petition primarily on the ground that it was a simple order of re-designation without affecting the pay scale of the employee. Feeling aggrieved by the said order, the appellant is before this Court.

2. The learned counsel for the appellant contended that the appellant was functioning as an Assistant Manager and as such, he was entitled to be posted as Assistant Manager in other Sections of the Atomic Power Station at Kalpakkam. According to the learned counsel, the respondents were not correct in re-designating the post which would affect the career prospects of the employee. It was further contended that the learned Single Judge proceeded as if it was a simple case of re-designation notwithstanding the fact that the order impugned before the Writ Court would lower the post which was held by the appellant prior to such re-designation.

3. We have also heard the learned counsel for the respondents.

4. The appellant was initially appointed as 'Counter Clerk' in a canteen maintained by the Atomic Power Station, Kalpakkam. Subsequently, his services were regularised along with other employees. The appellant was given the designation of Assistant Manager-cum-Store Keeper subsequently. The Atomic Power Station, Kalpakkam taking into account the decision to upgrade the scheme for Group 'C' and 'D' canteen staff, issued an order dated 31 August, 2000 re-designating the post of canteen staff. The post of Assistant Manager (Canteen) was re-designated as Junior Canteen Assistant 'A'. However, there was no reduction in the pay scale of the employees, meaning thereby the pay of the employees would remain as it is, even after such re-designation. We are therefore, of the view that there was no financial loss insofar as the appellant is concerned.

5. The appellant has taken up a contention that he is entitled to work as Assistant Manager in other Departments. However, in the counter affidavit filed by the Atomic Power Station, it was contended that the qualification for appointment to the post of Assistant Manager in other discipline is totally different. The method of appointment is also different. The appellant who got employed as Assistant Manager (Canteen), subsequently had the benefit of regularisation. By re-designating the post of Assistant Manager-cum-Store Keeper (Canteen) as Junior Assistant Grade 'A', the employer only tried to re-designate the post which would not cause any loss of salary or other benefits to the appellant. We are, therefore, of the view that the learned Single Judge was correct in dismissing the Writ Petition.

In the upshot, we dismiss the intra court appeal. No costs.
Consequently connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

gms

To

1.The Station Director
Madras Atomic Power Station
Kalpakkam
Kanchipuram District 603 102.

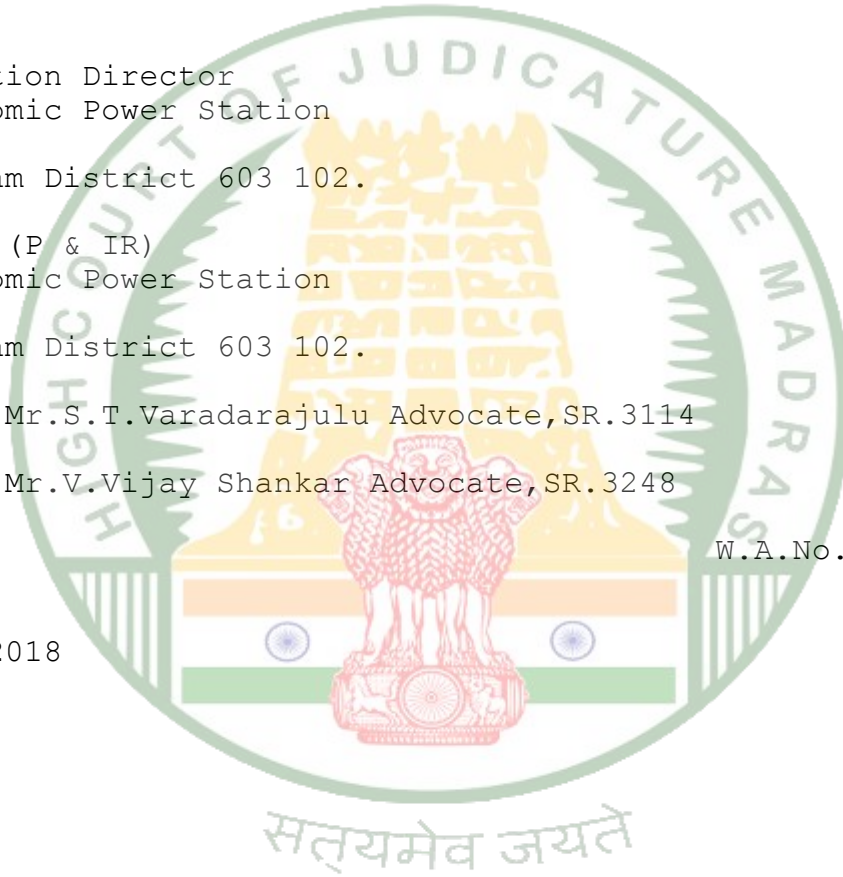
2.Manager (P & IR)
Madras Atomic Power Station
Kalpakkam
Kanchipuram District 603 102.

+ 1 cc to Mr.S.T.Varadarajulu Advocate,SR.3114

+ 1 cc to Mr.V.Vijay Shankar Advocate,SR.3248

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LRS (CO)
NR 21/02/2018



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