

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10052 of 2007

- 1.B.Manivel
- 2.S.Sundaram
- 3.A.James
- 4.V.Anthonysamy
- 5.P.Nalangilli
- 6.P.Nagarajan
- 7.V.Chellamuthu
- 8.K.Stephenraj
- 9.V.Govindarajan
- 10.G.Gangadharan
- 11.M.Palani
- 12.N.Venugopalan
- 13.P.Karunanidhi
- 14.R.Selvaraj
- 15.P.Nagarajan
- 16.S.Balavinothan
- 17.G.Neduncheyan
- 18.M.Bhojan
- 19.R.Alexis Jayapal
- 20.K.Rajasekar
- 21.P.Thangaraj
- 22.M.Irulandi
- 23.G.Dhandayuthapani
- 24.M.Josheph Pudumai Savari
- 25.S.Senthatty
- 26.C.Ponmariappan
- 27.A.Duraisamy
- 28.S.Ondiveeran
- 29.M.Srirangan
- 30.M.Kalasthri
- 31.A.Marian Anthony Cyril
- 32.K.Durai Raj
- 33.R.Nagarajan
- 34.S.Ulagasundaram
- 35.R.Sivaraman
- 36.T.Jayaraj
- 37.S.Mani
- 38.T.M.Ramadoss
- 39.R.Rajarathinam
- 40.M.Palanichamy
- 41.A.Rajendran
- 42.K.Muniasamy

... Petitioners

Vs.

1.The Chairman
Railway Board
Ministry of Railways
Government of India, New Delhi.

2.The Chief Security Commissioner
Southern Railway
Park Town
Chennai-600 003.

3.The Divisional Security Commissioner
Tiruchchirappalli Divisional
Southern Railway,
Trichy.

4.The Divisional Personnel Officer
Tiruchchirappalli Division
Southern Railway,
Trichy.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent proceedings made in No.PC-V/2003/1/6/2 dated 03.01.2006 and to quash the same and consequently direct the respondents to extend to the petitioners grant of two advance increments on par with their juniors forthwith and to pass such other order/orders as this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.T.Ramkumar

O R D E R

This writ petition has been filed by the petitioner challenging the order passed by the 1st respondent vide proceedings in No.PC-V/2003/1/6/2, dated 03.01.2006, rejecting the claim of the petitioner for fixation of pay on par with their juniors who were benefited with the grant of two advanced increments in an arbitrary manner without application of mind.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioners as well as Mr.P.T.Ramkumar, learned counsel for the respondents and perused the materials available on record.

3. Today, when the matter is taken up for consideration, Mr.P.T.Ramkumar, learned counsel for the

respondents, produced a copy of the order in R.B.E.No.27/2010 dated 04.02.2010 passed by the Railway Board, and submitted that some of the petitioners were granted stepping up of pay on par with their juniors.

4. As submitted by the learned counsel appearing for the respondents submitted that already the petitioners 1, 2, 5, 6, 7, 9, 10, 11, 13, 15, 16, 17, 18, 20, 22, 24, 25, 27, 29, 31, 35, 38, 39, 40, 41, 42 were already granted stepping up of pay on par with their Juniors, as per order dated 04.02.2010 in R.B.E.No.271/2010. Hence, no further orders are required in respect of these petitioners.

5. Further, the petitioners 8, 23, 26 & 37 are not eligible for stepping up of pay. So far as the 19th Petitioner is concerned, he retired from service on 31.05.2017 and his pay was not stepped up on par with his Junior. He has also not submitted any representation for stepping up till his superannuation. Hence, liberty is granted to 19th petitioner to make a representation to the authority concerned within a period of four weeks from the date of receipt of a copy of this order, seeking stepping up of his pay on par with his juniors and the concerned authority shall consider the same as per order in R.B.E.No.271/2010 dated 04.02.2010.

6. As regards 30th Petitioner, he expired on 17.08.2015. However, he was eligible for stepping up. If the Legal heirs of the 30th petitioner give representation to the concerned authority, that representation should be considered by the concerned authority in view of the order in R.B.E.No.271/2010 dated 04.02.2010.

7. In so far as the 32nd Petitioner, he was removed from service and subsequently reinstated. Liberty is given to him to make a representation seeking stepping up of pay in par with his juniors and it shall be considered by the concerned authority in view of the order in R.B.E.No.271/2010 dated 04.02.2010.

8. In respect of the petitioner 3 & 12, it is stated that they were transferred to some other department and they did not make any representation for stepping up of pay on par with their junior, till date. Hence, liberty is granted to them to make representation for stepping up of their salary and on such representation is made, the concerned authority shall consider the same in the light of the Railway Board order in R.B.E.No.271/2010 dated 04.02.2010.

9. Similarly, the petitioners 4, 14, 21, 28, 33, 34 & 36 were so far not granted stepping up of pay and if representations are given by them, they shall be considered for granting of stepping up of pay on par with Juniors, as per R.B.E.No.271/2010 dated 04.02.2010.

10. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

gmd

To

1.The Chairman
Railway Board
Ministry of Railways
Government of India, New Delhi.

2.The Chief Security Commissioner
Southern Railway
Park Town
Chennai-600 003.

3.The Divisional Security Commissioner
Tiruchchirappalli Divisional
Southern Railway,
Trichy.

4.The Divisional Personnel Officer
Tiruchchirappalli Division
Southern Railway, Trichy.

+1 cc to Mr.L.Chandrakumar Advocate SR.NO. 48691

+1 cc to Mr.P.T.Ramkumar Advocate SR.NO. 49199

ASK(16/08/2018)

W.P.No.10052 of 2007