

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.8534 of 2014, 10954 and 10955 of 2012
& M.P.Nos.1 of 2014, 1 & 1 of 2012

Union of India
Rep. by its Chief General Manager,
M/s Bharath Sanchar Nigam Limited,
Tamil Nadu Circle, Chennai-2.

... Petitioner in
all writ petitions

Vs.

1.V.Lakshminarayanan

2.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai-104.

... Respondents in
W.P.8534/2014

1.S.Solaiappan

2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

... Respondents in
W.P.10954/2012

1.L.N.Sharma

2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

... Respondents in
W.P.10955/2012

Writ petition in W.P.No.8534 of 2014 is filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari to call for the records relating to the impugned order issued by the Central Administrative Tribunal, Chennai Bench in O.A.No.1595/2010 dated 29.01.2013 and quash the same.

Writ petition in W.P.No.10955 of 2012 is filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari to call for the records relating to the order dated 26.04.2010 made in T.A.No.50 of 2009 on the file of the Registrar, Central Administrative Tribunal, Madras Bench, Chennai, the second respondent herein and quash the same.

Writ petition in W.P.No.10954 of 2012 is filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari to call for the records relating to the order dated 26.04.2010 made in T.A.No.51 of 2009 on the file of the Registrar, Central Administrative Tribunal, Madras Bench, Chennai, the second respondent herein and quash the same.

For petitioner in : Mr.M.S.Velusamy
W.P.8534 of 2014

For Petitioner in : Mr.M.T.Arunan
WP.10954 & 10955
of 2012

For Respondents : Mr.L.Chandrakumar for R1
in all W.Ps.

2nd Respondent : Tribunal in all the
Petitions

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

Considering the commonality of the issue involved in all these writ petitions, they have been taken up together and disposed of by a common order.

2. The question raised in these writ petitions is the entitlement of the private respondents in getting the stepping up of the pay on par with the junior. The Tribunal, by taking note the earlier order passed with respect to the similarly placed persons in T.A.Nos.50 and 51 of 2009, who also belong to the Tamil Nadu Circle cadre, while comparing with that of one Dharampal, who belongs to Delhi circle cadre, was pleased to allow the applications as prayed for. Challenging the same, the present writ petitions have been filed.

3. The learned counsel appearing for the petitioner raised two submissions. The first submission is on merit. According to the learned counsel, the employees, who were working in Tamil Nadu Circle cadre, cannot allow to compare with Delhi

circle cadre, though senior to the latter. The second submission is with respect to the delay and laches. Though stepping up pay has been sought for in the year 2000, it was only raised in 2010.

4. On both these issues, we do not find any merit. The fact that the private respondents before us are similarly placed is not in dispute. When that is the position, the petitioner ought to have implemented in toto or challenged the order of the Tribunal. Applying the law laid down to only those who approached the Court cannot be stated to be a proper way of giving benefits to the employees. The earlier applications have been filed in the year 2009. The private respondents gave a representation in the year 2010. Now, the Tribunal has passed an order placing reliance upon the earlier order passed. If the case of the private respondents has to be rejected on the ground of delay, the same must be made applicable to the case of the applicants in T.A.Nos.50 and 51 of 2009. It is not the case of the petitioner that the private respondents were aware of the situation prior to the request made. We are dealing with case of stepping up of pay by quoting the case of the junior working in some other circle cadre. The private respondents are not supposed to know the salary drawn by the aforesaid junior. After all, the question of delay and laches cannot be termed as one of law but of practice and prudence. The learned counsel for the petitioner made reliance upon the following decisions.

- (1) State of Karnataka and others V. S.M.Kotrayya and others ((1996) 6 Supreme Court Cases 267); and
- (2) Union of India and others Vs. Tarsem Singh (Civil Appeal Nos.5151-5152 of 2008 dated 13.08.2008).

5. In State of Karnataka and others V. S.M.Kotrayya and others ((1996) 6 Supreme Court Cases 267), the issue was one of recovery. In Union of India and others Vs. Tarsem Singh (Civil Appeal Nos.5151-5152 of 2008 dated 13.08.2008) the question is with respect to the arrears of disability pension. We also noted the order passed by the Tribunal on the earlier occasion, which has been taken note of in the order under challenge before us, has become final against the petitioner. Thus, the benefit given to the applicants therein, which is directed to be extended to the private respondents before us cannot be stated to be legally incorrect.

6. In such view of the matter, we are not inclined to interfere with the order of the Tribunal. However, we hold that the private respondents are not entitled for interest. There is some delay on their part as well. The request itself was made in the year 2010. Therefore, while confirming the order of the Tribunal, we are making it clear that the private respondents are not entitled for any interest. Accordingly, these writ

petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

To

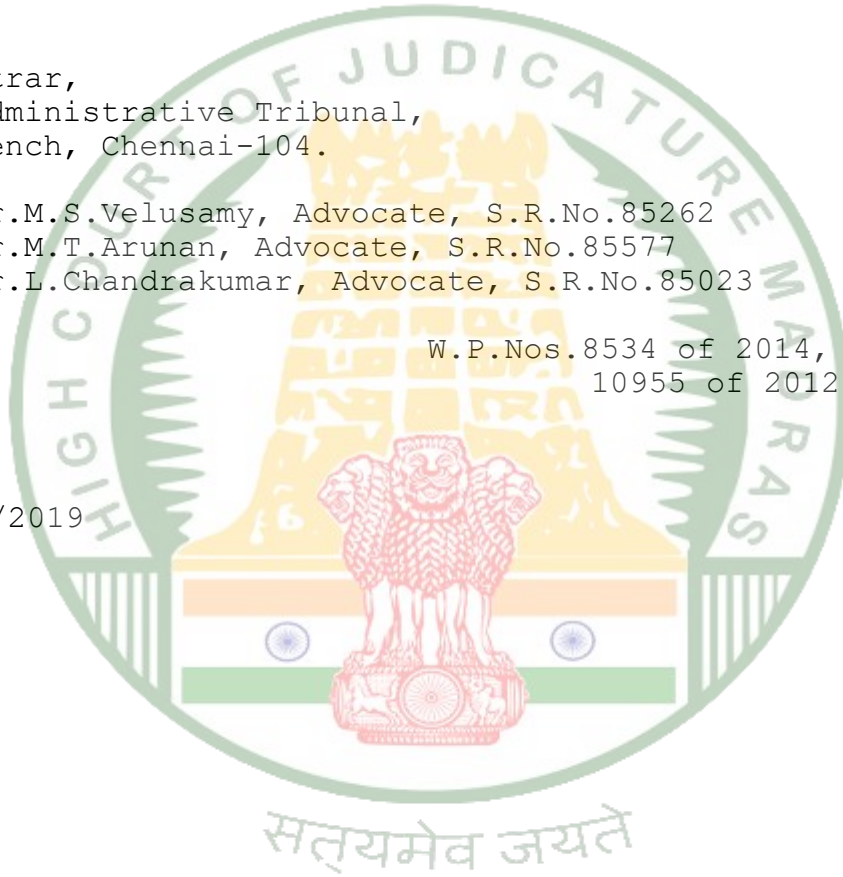
The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai-104.

+1cc to Mr.M.S.Velusamy, Advocate, S.R.No.85262
+1cc to Mr.M.T.Arunan, Advocate, S.R.No.85577
+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.85023

W.P.Nos.8534 of 2014, 10954 and
10955 of 2012.

VGI (CO)

rrs 06/02/2019



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