

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24103 OF 2009

ORDER:

This writ petition is filed seeking the following relief:

“to issue an Order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings P1/255 (1)/ 2009 TML, dated 20.4.2009 wherein the petitioner's pay was reduced without issuing ny notice by fixing from Rs.6070/- to Rs.5740/- is illegal, arbitrary and unjust and contrary to the pay slips issued to the petitioner by the corporation and consequently set aside the said proceedings dt.20.4.2009 by fixing the petitioner's basic pay of Rs.6070/- and to pay all consequential benefits thereof and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri A.Rama Rao, learned standing counsel for the respondent-Corporation.

It has been contended by the petitioner that he was appointed as Conductor during December, 1996 and during the course of his employment, the respondent Corporation imposed punishment of deferment of annual increment for a period of six months with cumulative effect vide proceedings dated 26.7.1999. The petitioner filed W.P.No.22935 of 2006 and this

Court had allowed the writ petition by modifying the punishment to that of without cumulative effect. The grievance of the petitioner is that the respondents were paying salary to him in the scale of Rs.6070/- but from the month of December, 2008, the respondent Corporation had reduced the pay of the petitioner to that of Rs.5740/-, without issuing any notice. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the action of the respondents in reducing the pay of the petitioner is arbitrary and illegal as it was issued without any notice.

Learned Standing Counsel appearing for the respondent Corporation contends that erroneously the petitioner was granted two increments during the year 2001 i.e. one increment on 1.5.2001 and another on 1.11.2001 and the same was rectified and reduced the pay of the petitioner and no irregularity has been committed by the respondent corporation.

This Court having considered the submissions made by the parties is of the opinion that this writ petition can be disposed of setting aside the impugned order dated 20.4.2009 on the ground that the said order was passed without any notice to the petitioner.

Accordingly, the Writ Petition is allowed and the impugned order issued in proceedings No.P1/255 (1)/ 2009 TML, dated 20.4.2009 are set aside. The respondents are directed to pass

appropriate orders, after issuing notice to the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06/11/2018

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