

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.2387 of 2014

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate order declare the 4th respondent memorandum dated 4.7.2013 not considering the petitioner's case and not fixing pay on par with similar situated person namely K.N.Maniyappan, HC/ GD No.834420056 and rejecting the petitioner's grievance as illegal, arbitrary and unjust consequently direct the respondents to refix the pay of the petitioner by relaxing withheld increments with all arrears.”.

Heard Mr.B.Shiva Kumar, learned counsel for the petitioner and Smt.Anjali Agarwal, learned Standing Counsel for respondents.

The grievance of the petitioner is that he is working as a Head Constable and the respondents are not fixing his pay on par with his junior Sri K.N.Maniyappan.

Learned counsel for the petitioner submits that the petitioner is senior to Sri K.N.Maniyappan, and therefore, his pay has to be fixed on par with his junior Sri K.N.Maniyappan. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to fix the pay of the petitioner on par with his junior Sri K.N.Maniyappan.

Learned Standing Counsel appearing for the respondents has contended that the petitioner's pay was reduced consequent upon the punishment imposed against him by the respondents vide proceedings dated 30.12.1988. When the pay of the petitioner has been reduced by virtue of the punishment imposed against him vide proceedings dated 30.12.1988, he cannot contend that his

pay has to be fixed on par with his junior. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that when the petitioner has suffered the punishment of reduction in pay vide proceedings dated 30.12.1988, he cannot contend that his pay has to be fixed on par with his junior. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

29-08-2019
Prv

