

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.09.2020
CORAM
THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No.29604 of 2013

G.Premkumar

.. Petitioner

.. Vs ..

1. Chennai Metropolitan Water Supply and Sewerage Board,
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.

2. The General Manager,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, after calling for the concerned records from the second respondent, quash the order of the second respondent dated 01.02.2013 bearing Proceedings No.CMWSSB/P&A/SR1/51223/2012 and consequently direct the respondents to fix the pay of the petitioner on par with his junior P.J.Devaraj, who had also joined along with the petitioner in service on 03.02.1986 and pay the consequential arrears and award costs.

For Petitioner : Mr.Balan Haridas
For Respondents: Mr.N.Ramesh

ORDER

The present writ petition has been filed by the petitioner praying for the issuance of a Writ of Certiorarified Mandamus, calling for the concerned records from the second respondent, quash the order of the second respondent dated 01.02.2013 bearing Proceedings No.CMWSSB/P&A/SR1/51223/2012 and consequently direct the respondents to fix the pay of the petitioner on par with his junior P.J.Devaraj, who had also

joined along with the petitioner in service on 03.02.1986 and pay the consequential arrears and award costs.

2. The case of the petitioner is that he is a Graduate in B.E. Civil Engineering and he joined the service of the respondent-Board as an Assistant Engineer in the year 1986 and his rank in the seniority list was determined by the rank obtained by him in the list of approved candidates. As per the said list, the petitioner is senior to one P.J.Devaraj. Further, on completion of 10 years of service, the petitioner is entitled for selection grade. The petitioner completed 10 years of service on 03.02.1996 and P.J.Devaraj also completed 10 years of service on the same day. By an order dated 12.01.1996, the petitioner suffered a punishment of stoppage of increment for two years with cumulative effect and as the petitioner's increment was due on 01.04.1996, the punishment could be effected only from that date. Whiles, the respondent-Board while fixing the selection grade pay in respect of the petitioner, on 01.03.1996 fixed the pay at Rs.8,000/-. However, his immediate junior P.J.Devaraj was fixed at Rs.8,275/-. There was a pay anomaly between the petitioner and the said P.J.Devaraj in a sum of Rs.275/-. Hence, the present writ petition is filed with the aforesaid prayer.

3. Mr.Balan Haridass, learned counsel for the petitioner submits that after filing the writ petition, the respondent-Board filed a counter affidavit. In paragraph No.13 of the counter, it is clearly stated that as per clause 5 (ii) of B.P.Misc.No.19/92, P&A (SR) Department dated 23.10.1992, if any pendency of charges or disciplinary proceedings or enquiry by the Director of Vigilance and Anti Corruption, qualification/tests prescribed under the Special Adhoc Rules for the higher post etc., should be followed while moving the employees to the Selection / Special Grade. In the present case, the petitioner suffered a punishment of stoppage of increment for two years with cumulative effect and thereby, the petitioner's request cannot be considered.

4. In view of the clause as stated supra on the basis of paragraph No.13 of the counter, the petitioner is not entitled to any relief as sought for and, accordingly, this writ petition is dismissed. No costs.

Sd/-

Asst.Registrar (CCC)

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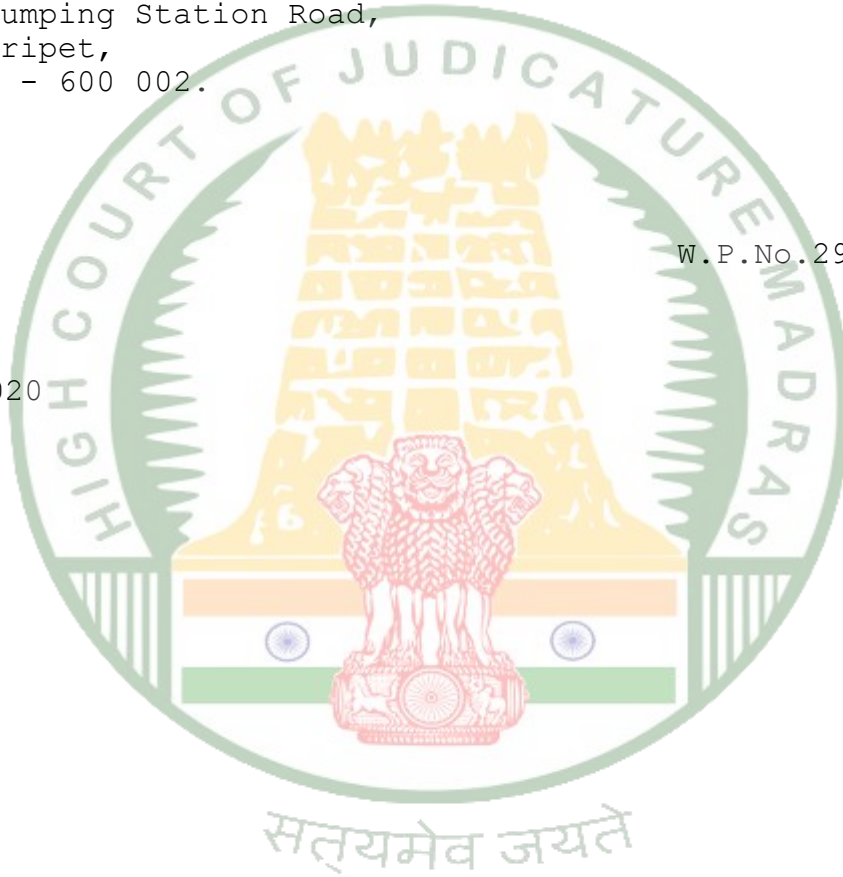
Sub Asst. Registrar

To

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
2. The General Manager,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
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