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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.42761 OF 2016

D.Subramanian

...Petitioner

-Vs-

- 1.The Secretary,
Department of Labour Welfare,
Fort St.George,
Chennai.
- 2.The Director,
Directorate of Employment
and Training,
Thiru.Vi.K.Industrial Estate,
Guindy,
Chennai 32.
- 3.The Principal,
Government Industrial Training
Institute (Men),
Cuddalore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the proceedings dated 29.10.2010 issued by the 2nd respondent in Na.Ka.No.38960 / Industrial Training 5/2010 and the Consequential Order dated 19.01.2011 issued by the First respondent in his Letter No.11342/PP 1/2010-10, Department of Labour and Employment and Directing the respondents to revise the scale of pay of the petitioner as there exists pay anomaly between the petitioner and one Mr.Abdul Kareem. (prayer amended vide order dated 10.01.2017 made in WMP.32/2017 in W.P.42761/2016)

For Petitioner : Mr.D.Baskar

For Respondents : Mr.E.Veda Bagathsingh,
Special Government Pleader



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

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2. The petitioner seems to be aggrieved against his fixation of pay at the rate of Rs.2,180/-, which was extended to him when he was appointed on 02.01.1991 as a Selection Grade Assistant Training Officer. According to the petitioner, he would be entitled for a pay grade of Rs.2,240/- instead of Rs.2,180/-.

3. In the impugned proceedings, it has been clarified that the determination of the petitioner's salary under G.O.Ms.No.57, Finance (PC) Department, dated 28.01.1991 was found to be incorrect and accordingly, the fixation of salary was canceled and the excess salary paid was recovered from the petitioner in three installments.

4. Effectively, the petitioner is now questioning the action that was taken against him in the year 1997. When the petitioner had subjected himself to such action of recovery, he had accepted the cancellation of G.O.Ms.No.57, dated 28.01.1991 and had not questioned the recovery of excess salaries made in the year 1997. There is no explanation in the affidavit as to why the petitioner had not chosen to challenge such an action for the past almost 20 years. As such, the claim of the petitioner requires to be rejected on the ground of delay and laches.

5. This apart, the petitioner seems to make a claim for revision of scale of pay on par with one Mr.Abdul Kareem, which is the consequential prayer sought for in the present writ petition. In the counter affidavit filed by the respondents, it has been clarified that the pay of Mr.Abdul Kareem, who was a retired Training Officer, was revised by the Principal of the Government Industrial Training Institute on 27.06.2007 and his pay was re-fixed at the rate of Rs.1,400/- with effect from 31.07.1987. While passing such an order, it was found that an excess amount of Rs.53,933/- was fixed in the pay of Mr.Abdul Kareem and the same was also directed to be recovered from the retired person.

6. The petitioner now cannot make a comparison of the pay salary which was originally fixed for Mr.Abdul Kareem, which action was already revisited by the respondents themselves and a recovery order was also passed for the excess payment made to Mr.Abdul Kareem. Even otherwise, the very basis on which the petitioner makes his claim seems to be only on the proceedings that was initiated in the year 1997, which cannot be questioned at this point of time.



7. In the result, I do not find any merits in the claim made by the petitioner. Accordingly, the writ petition stands dismissed. No costs.

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Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

ata/hvk

To

- 1.The Secretary,
Department of Labour Welfare,
Fort St.George, Chennai.
- 2.The Director,
Directorate of Employment
and Training,
Thiru.Vi.K.Industrial Estate,
Guindy, Chennai 32.
- 3.The Principal,
Government Industrial Training
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+1cc to the Government Pleader Sr.No.66643

W.P.No.42761 of 2016

SS (CO)
RVM(27/12/2021)