



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.17276 of 2016

and

W.M.P. (MD) No.12551 of 2016

1. The Director,
Central Electrochemical
Research Institute (CECRI)
Karaikudi - 630 006

2. The Director General,
Council of Scientific and
Industrial Research (CSIR)
No.2, Anusandhan Bhavan,
Rafi Marg, New Delhi - 110 001.

.. Petitioners

Vs

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

2. K.Arumugam

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records relating to the impugned orders passed by the first respondent in O.A.814 of 2013 dated 30.03.2016 and quash the same.

Petitioners : Mr.K.P.S.Palanivel Rajan

Respondents : R1- Court
M/s.D.Geetha
for R2

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The writ petition arises out of an order of March 30, 2016 passed by the Central Administrative Tribunal on the second



respondent's petition before it.

2. The substance of the grievance carried to the Tribunal was that the petitioner before the Tribunal was getting less pay than several of such petitioner's juniors in the post. It is evident from the order impugned that at least three persons who were said to be junior to the petitioner before the Tribunal were paid more pursuant to the implementation of an office memorandum of March 19, 2012 or due to other causes. The Tribunal noticed that with effect from August, 2005, the applicant and his juniors, particularly those named, were all getting paid as per the pre-revised scale. The Tribunal found that because of the implementation of the memorandum of March 19, 2020, three persons who were junior to the petitioner before the Tribunal apparently stole a march and started getting more pay than the petitioner.

3. In the service jurisprudence that has been judicially developed in this country, one of the cardinal principles is that a junior does not get more pay than a senior in any public position or in any public sector undertaking or the like. For whatever may have been the reason, the Tribunal found on facts that the petitioner before the Tribunal, despite being a senior, was being paid lower than some of his juniors.

4. On behalf of the appellant, the explanation furnished by the employer before the Tribunal is placed and it is submitted that it was a peculiar situation which resulted in the perceived anomaly, but no illegal method has been adopted by the employer.

5. The issue does not involve a class of employees or thousands or even hundreds of employees. The issue pertains only to the petitioner before the Tribunal and the petitioner's grievance that despite being senior to three others, he was drawing less pay than the other three. It is such perceived wrong that has been remedied by the order impugned and, as noticed above, the order is in tune with the principle that no junior should be paid more than a senior.

6. In such circumstances and since a factual finding was rendered by the Tribunal on the basis of the material before it and no serious prejudice has been occasioned to the employer in requiring to pay a few hundred or thousand rupees to a solitary employee, the order impugned does not call for any interference, particularly in this extraordinary jurisdiction.

7. Accordingly, W.P.(MD) No.17276 of 2016 is disposed of without interfering with the order impugned dated March 30, 2016. Consequently, W.M.P(MD) No.12551 of 2016 is closed.



8. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MNR

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

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

+1 CC to M/s.K.P.S.PALANIVEL RAJAN, Advocate (SR-24810[F] dated 30/07/2021)

+1 CC to M/s.D.GEETHA, Advocate (SR-25008[F] dated 02/08/2021)

W.P.(MD) No.17276 of 2016
30.07.2021

RD(9.08.2021) 3P 4C