



WEB COPY



WP No.32228 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-09-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.32228 of 2017
And
WMP No.13857 of 2020**

G.Kalyana Sundaram

..

Petitioner

VS.

1.The Additional Chief Secretary,
Industries Commissioner and Director of
Industries and Commerce,
'SIDCO' Building, 1st and 2nd Floor,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai – 600 032.

2.The Managing Director,
Tamil Nadu Industrial Cooperative Bank Ltd.,
No.36, South Canal Bank Road,
Raja Annamalaipuram,
Mandavellipakkam,
Chennai – 600 028.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,



WP No.32228 of 2017

praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 02.08.2017 to revise the petitioner's scale of pay, gratuity and pension from 07.01.2010 in accordance with proceedings of the second respondent passed in Proc.No.Estt/E1/BS/Prom.Manager/2015-16 dated 11.04.2016 and further to direct the first respondent to pay arrears from 07.01.2010 till date of retirement of the petitioner.

For Petitioner : Mr.R.Saseetharan
For Respondents : Ms.S.Mythreye Chandru,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 02.08.2017 to revise the petitioner's scale of pay, gratuity and pension from 07.01.2010 in accordance with proceedings of the second respondent passed in Proc.No.Estt/E1/BS/Prom.Manager/2015-16 dated 11.04.2016 and further to direct the first respondent to pay arrears from 07.01.2010 till date of retirement of the petitioner.



WP No.32228 of 2017

2. The petitioner joined as Assistant on 10.05.1985 in the Tamil Nadu Industrial Cooperative Bank Ltd. He was promoted as Sub Accountant on 24.04.1992 and was further promoted as Banking Inspector on 10.08.1998.

3. The claim of the writ petitioner is that he was not promoted to the post of Manager along with his junior. On account of the departmental disciplinary proceedings, the case of the writ petitioner was not considered by the respondents. However, proceedings were subsequently dropped and the petitioner was exonerated from the allegations. Thereafter, the petitioner was granted retrospective promotion on par with his junior.

4. The respondents have granted notional promotions with retrospective effect with effect from 07.01.2010 and the monetary benefits were granted from the date of joining in the post of Manager.



5. This Court is of the considered opinion that under the Rules, the salary for the post in which the petitioner had not served cannot be granted. The petitioner was not promoted on account of various reasons and subsequently, he was considered and he was promoted with retrospective effect. However, the monetary benefits have rightly granted from the date of joining in the promotional post.

6. Therefore, this Court do not find any infirmity in respect of the actions taken by the respondents, since the petitioner was notionally promoted with retrospective effect and the monetary benefits are granted from the date of joining in the promotional post. Thus the relief as such sought for in the present writ petition deserves no further consideration. If any grievance exists for the writ petitioner regarding the fixation of pay, he is at liberty to approach the Competent Authority.

7. With the abovesaid liberty, the writ petition stands dismissed.



WP No.32228 of 2017

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

20-09-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

- 1.The Additional Chief Secretary,
Industries Commissioner and Director of
Industries and Commerce,
'SIDCO' Building, 1st and 2nd Floor,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai – 600 032.
- 2.The Managing Director,
Tamil Nadu Industrial Cooperative Bank Ltd.,
No.36, South Canal Bank Road,
Raja Annamalaipuram,
Mandavellipakkam,
Chennai – 600 028.



WEB COPY



WP No.32228 of 2017

S.M.SUBRAMANIAM, J.

Svn

WP 32228 of 2017

20-09-2022