



W.P.(MD)No.19591 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.19591 of 2019

V.Ravi

... Petitioner

Vs

1.The Director of Fire and Rescue Services
Egmore, Chennai 600 008.

2.The Deputy Director,
Fire and Rescue Service Department,
South Division, Madurai 625 001.

3.The Divisional Fire Officer,
Fire and Rescue Services Department,
Madurai Division, Madurai 625 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the second respondent in OO.Mu.No.2596/AA/2019 dated 17.05.2019 and quash the same and consequently direct the respondents to settle the monetary benefits to the petitioner on the basis of refixation of the seniority on par with his juniors within the time stipulated by this Court.



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For Petitioner : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates
For Respondents : Mr.J.K.Jayaseelan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner retired as Station Officer (Transport) in the year 2020. His grievance is that one Dharmalingam, who was the junior to him, was getting higher pay and that therefore, he should have pay parity. His request was rejected by the impugned order dated 17.05.2019. Challenging the same, this writ petition has been filed.

3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.



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4.The respondents have filed a detailed counter affidavit. For easy understanding of this Court, a comparative table setting out the career particulars of Dharmalingam and the writ petitioner has also been given.

5.It is seen that Dharmalingam as well as the writ petitioner were appointed as Fireman on 14.11.1988. It is also not in dispute that the petitioner was ranked above the said Dharmalingam in the seniority list. Since Dharmalingam was possessing heavy vehicles driving licence, he was promoted as Fireman Driver on 22.02.1997. The writ petitioner was then having only driving licence for light motor vehicles. He obtained licence for driving heavy vehicles only in November-1997 and got promotion as Fireman Driver on 24.02.1999. Thus, there was a clear difference of two years between the dates for promotion as Fireman (Driver). While Dharmalingam became Fireman driver on 22.02.1997, the petitioner became the Fireman driver only on 24.02.1999. Obviously, Dharmalingam was placed in a higher pay two years earlier in point of time. This time difference and difference in pay continued till the very end. The entire case of the petitioner is anchored on his belief that Dharmalingam was his junior and that, he should have pay parity with him.



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6.It is true that Dharmalingam was originally a junior. Both of them were appointed to the post of Fireman on 14.11.1988. But Dharmalingam overtook the writ petitioner on 22.02.1997 and the writ petitioner could not catch up with him. Therefore, he cannot any grievance regarding the difference in pay benefits also. The impugned order does not call for any interference. Accordingly, the Writ Petition stands dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

Rmk

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G.R.SWAMINATHAN, J.,

Rmk

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