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W.P.No.14711 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 14711 of 2013

T.K.Shivashankara Naik

...

Petitioner

Vs

1.The Chief General Manager,
National Bank for Agricultural &
Rural Development Bank (NABARD),
Tamil Nadu Regional Office,
No.48, (Old 105-106),
Mahatma Gandhi Road,
Post Box No.6074,
Chennai – 600 034.

2. The Chief General Manager,
& Competent Authority,
NABARD Tower,
Opp.Municipal Garden,
Usmanpura,
Ahamedabad – 380013.

3. The Managing Director,
& Appellate Authority,
NABARD Head Office,
No.C-24, G-Block,
Bandra Kurla Complex,
Bandra (East), Mumbai – 400 051.

1/8



W.P.No.14711 of 2013

4. The Chief General Manager,
H.R.M.D.,
NABARD Head Office,
No.C-24, G-Block,
Bandra Kurla Complex,
Bandra (East), Mumbai – 400 051.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 4th respondent herein in proceedings in Ref.No.NB/TN/HRMD/1065/PA-41/2012-13 dated 26.03.2013 served by the 1st respondent herein and quash the same.

For Petitioner	: Mr.R.Lawrence
For R1,R1 & R4	: Mr.K.Sukumaran
For R3	: Notice served

ORDER

This Writ Petition has been filed challenging the order dated 26.03.2013 passed in Ref.No.NB/TN/HRMD/1065/PA-41/2012-13 by the first respondent, thereby re-fixed the petitioner's pay scale as per the order passed by the Appellate Authority viz., the 4th respondent herein.

2. The petitioner was working in Gujarat Regional Office, Ahamadabad as Manager during the year 2006. He was served with charge sheet dated 29.08.2006. As per the charge sheet, he was directed to submit



W.P.No.14711 of 2013

his explanation. On receipt of the explanation, another set of charge sheet was served on the petitioner. On receipt of the explanation for the second set of charge sheet, it was found the petitioner indulged in other illegal activities and the third set of charge sheet was served with the petitioner. Once again the fourth set of charge sheet was also served on the petitioner. On receipt of the enquiry report of all the set of charge sheets, the Disciplinary Authority passed an order that the pay of the petitioner, UIN-1979 be reduced by six stages in his scale of pay of Rs.13700-700-20000-EB-700-21400-750-24400 on a permanent basis, without postponing the future benefits. The post scale Special Pay, Personal Allowance, Fixed Personal Allowance, Stagnation Increments, if any, granted to him on or after reaching the maximum of his scale of pay shall also stand withdrawn and will be payable to him on completion of the specific period after reaching the maximum scale of pay.

3. Aggrieved by the said order, the petitioner preferred an appeal on 07.11.2007 before the third respondent herein. The third respondent/Appellate Authority confirmed the findings of the Enquiry



W.P.No.14711 of 2013

Officer except with the modification of the punishment of reduction of pay.

Accordingly, the Appellate Authority passed an order that the penalty of reduction of pay by six stages on a permanent basis awarded to the appellant by the competent authority, be reducing it by five stages for a period of five years, without postponing future benefits.

4. In fact, the petitioner challenged the original order passed by the Competent Authority by way of Original Application before the Central Administrative Tribunal in O.A.No.829 of 2011 and the same was also dismissed by an order dated 13.12.2011 and confirmed the order passed by the Competent Authority. However, the said order merged with the Appellate Authority's order. The said Appellate Authority order was challenged before this Court in W.P.No.1285 of 2013 and the same was also dismissed by this Court on 20.11.2019, since this Court has no jurisdiction in the writ petition, as the order passed by the Appellate Authority was situated in Mumbai. Pursuant to the Appellate Authority's order, the first respondent refused the fixation of scale of pay fixation and re-fixed it by an order dated 26.03.2013 and the same is impugned in this writ petition.



W.P.No.14711 of 2013

5. On perusal of the counter filed by the first respondent revealed

that on examination of the Competent Authority order dated 27.09.2007 and the order passed by the Appellate Authority dated 05.05.2008 and the details of pay recorded on the service register of the petitioner, it has come to light by the fourth respondent that though the Madhya Pradesh Regional Office has reduced his pay by five stages with effect from 26.07.2007, he was regularly granted annual increments by the Madhya Pradesh Regional Office, Bhopal, which were otherwise not due to him till 27.09.2012 i.e., five years as per Appellate Authority order dated 05.05.2008.

6. In order to fix the pay in conformity with the Appellate Authority order, the annual increments granted by the Regional Office were withdrawn and his pay was re-fixed by an order dated 01.03.2013. Therefore, the petitioner is eligible only for personal allowance on reaching the maximum of scale of pay of that grade and he shall draw stagnation increment for three years after reaching the maximum of the respective scale of pay. Accordingly, the pay of the petitioner stood reduced below the maximum as many stages and therefore, the petitioner was ineligible for



W.P.No.14711 of 2013

personal allowance and stagnation increments. The petitioner's pay was also restored after five years on 26.09.2012 by grant of Special Pay, Personal Allowance, Fixed Personal Allowance. Therefore, this Court finds no infirmity or illegality in the order dated 26.03.2013 passed in Ref.No.NB/TN/HRMD/ 1065/PA-41/2012-13 by the first respondent, since it was passed only in pursuant to the order passed by the Appellate Authority viz., the third respondent herein. Hence, this writ petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

21.07.2023

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Index: Yes/No
Internet: Yes/No



W.P.No.14711 of 2013

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WEB COPY

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Lpp

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