



W.P.No.18636 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER

KUMAR

W.P.No.18636 of 2013

R.Janakiraman

... Petitioner

-Vs-

1.Metropolitan Transport Corporation Ltd.,
rep. by its Managing Director,
Pallavan Illam, Anna Salai,
Chennai – 2.

2.The General Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 2.

...Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the action of the respondents in reducing the petitioner's grade pay from Rs.4,200/- to Rs.2,450/- and thereby reducing his pay from July, 2012 and also the action of the respondents in making recovery of the alleged excess payment of Rs.14,062 from his salary and from the petitioner gratuity as illegal and consequently direct the respondents to restore his grade pay with effect from July, 2012 with arrears and all other consequential benefits and also to refund



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the amount recovered and also to pay him the revised terminal benefits by taking his grade pay as Rs.4,200/- and by arriving his last drawn pay based on such grade pay with interest, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.R.Balaji
Standing Counsel

ORDER

This writ petition has been filed questioning the action of the respondents in reducing the petitioner's grade pay from Rs.4,200/-to Rs.2,450/-, and thereby reducing his pay from the month of July, 2012, and also questioned the recovery of an amount of Rs.14,062/- from his salary as illegal and arbitrary and sought consequential reliefs for refund of the amount already recovered and to pay the retirement benefits by taking grade pay of the petitioner as Rs.4,200/-, and thereby arriving at the last grade pay.

2. It is the case of the petitioner that he was granted a grade pay of Rs.4,200/-, while considering the fact, that at the time of initial appointment as Material Handler, his scale of pay was Rs.170-5-835 and the said scale was equated with the scale of the Conductor, Material Handler and Store Attender in terms of 12(3) settlement dated 22.01.2011, and the revised scale



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was Rs.320-5-370-10-420 in terms of 12(3) settlement and in view of the same and on par with the Conductor with whom the scale of pay of the petitioner was equated in terms of 12(3) settlement and the grade pay of Rs.4,200/- was rightly awarded but the scale was revised and reduced w.e.f. July, 2012 by the respondents without following any due process of law and without even putting the petitioner on notice and an amount of Rs.14,062/- was recovered from the petitioner.

3. In response to the notice issued by this Court, the respondents filed a counter affidavit contending that the petitioner comes under the Miscellaneous Group and he cannot be equated to the post of Conductor and the petitioner has erroneously equated himself to the post of Conductor, and thus it is contended the scale of the petitioner falls under Miscellaneous Group, but not equated to Conductor and it is only on realizing the mistake of award grade pay of Rs.4,200/-, the same was reduced with effect from July 2012. Thus, it is the contention of the respondents that the petitioner would fall under Miscellaneous Group but not under the Working Group. Though such, the contention was raised in the counter affidavit, no material is placed before this Court to substantiate such contention.



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4. On the other hand, the learned counsel for the petitioner filed an extract of the settlement, Common Service Rules, which shows that the posts of Junior Material Handler, Store Attender, Material Handler and Store Assistant fall under the Working Group but not under Miscellaneous Group. In the absence of any material to substantiate the contention of the respondents that the petitioner falls under the Miscellaneous Group, the action of the respondents in reducing the grade pay of the petitioner by treating him as a person falling under Miscellaneous Group is totally arbitrary and illegal. Furthermore, the grade pay of the petitioner is also reduced without any prior notice. In the light of the above, the impugned action of the respondents is liable to be declared illegal and arbitrary.

5. As it is seen from the material on record, the petitioner already retired from service in December, 2012 and his terminal benefits were also granted by taking into consideration grade pay of Rs.2,450/- as against the grade pay of Rs.4,200/-, for which the petitioner is entitled. The action of the respondents in reducing grade pay from Rs.4,200/-to Rs.2,450/- is declared as illegal and arbitrary.



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6. Accordingly, the writ petition is allowed, directing the respondents to restore the grade pay of Rs.4,200/-to the petitioner and to refund the recovered amount of Rs.14,062/- and also to pay the arrears of the grade pay and terminal benefits as expeditiously as possible at any rate within the period of three months from the date of receipt of a copy of this order. No costs.

15.12.2023

cda

To

1.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 2.

2.The General Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 2.

MUMMINENI SUDHEER KUMAR, J.,



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