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W.P.No.29913 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29913 of 2015

C. Subramanian

... Petitioner

Vs

1. The Corporation of Chennai,
Represented by its Superintending Engineer,
Rippon Buildings,
Chennai.

2. The Corporation of Chennai,
Represented by its District Revenue Officer,
Zonal Officer, Zone 4, No.266 T.H.Road,
Chennai - 21.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the records of the 2nd respondent Ma.A.Na.Ka.No.U.Ko.Mi.Po-4/E1-424-2014, dated 15.05.2015 quash the same and further direct the respondent to pay the pension in the pay scale of Selection Grade Lighting Inspector to the petitioner (**Prayer amended as per order of this Court dated 06.07.2023 vide W.M.P.No.24091 of 2022 in W.P.No.29913 of 2015**)

For Petitioner : Mr.V.Parthiban
For Respondents : Mr.G.T.Subramanian
Standing Counsel



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ORDER

This Writ Petition has been filed for issuance of Writ of

Certiorarified Mandamus to call for the records of the 2nd respondent Ma.A.Na.Ka.No.U.Ko.Mi.Po-4/E1-424-2014, dated 15.05.2015 and quash the same and direct the respondents to pay the basic salary of Lighting Inspector to the petitioner from 11.12.1992 to 30.06.2002. Subsequently, the petitioner filed amendment petition to amend the prayer as follows :

"Calling for the records of the 2nd respondent Ma.A.Na.Ka.No.U.Ko.Mi.Po-4/E1-424-2014, dated 15.05.2015 quash the same and further direct the respondent to pay the pension in the pay scale of Selection Grade Lighting Inspector to the petitioner." **(Prayer amended as per order of this Court dated 06.07.2023 W.M.P.No.24091 of 2022 in W.P.No.29913 of 2015)**

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3. The petitioner was initially appointed as laborer in the



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year 1963. He became permanent on 27.11.1963 and thereafter, he promoted to Assistant Electrician on 11.09.1975. Due to his superannuation, he was retired from service on 30.06.2002. He made a representation on 26.11.2012 to pay the salary of Lighting Inspector instead of Assistant Electrician.

4. A perusal of the counter filed by the second respondent revealed that the petitioner was promoted as Lighting Inspector on 11.12.1992. Thereafter, he was suspended from service on 11.12.1993 due to unauthorized absence. Again, he was reinstated from service on 04.03.1994. The period of suspension was treated as Earned Leave and the monetary benefit for the said period has been paid to the petitioner on 29.03.1994. On attaining superannuation, the petitioner had retired from service on 30.06.2002 and he was paid with the monetary benefits viz., GPF and other benefits including pension. He made a representation to pay the yearly increment for the period from 11.12.1992 to 31.08.1998 in the post of Lighting Inspector, while the petitioner was placed under suspension.

5. Pending Writ Petition, the petitioner was paid yearly increment for the period from 11.12.1992 to 31.08.1998 on 29.03.2011



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and the same was duly received by the petitioner. Now, the petitioner sought for Selection Grade in the post of Lighting Inspector. In order to consider the Selection Grade in the post of Lighting Inspector, he was in short of six months. It shall be allowed on completion of 10 years of service in ordinary post. However, the petitioner had not been completed 10 years of service in Lighting Inspector. Therefore, he is not entitled for Selection Grade in the post of Lighting Inspector.

6. Therefore, the second respondent has rightly rejected the request made by the petitioner and this Court finds no infirmity or illegality in the order dated 15.05.2015 in Ma.A.Na.Ka.No.U.Ko.Mi. Po-4/E1-424-2014, passed by the second respondent. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

06.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. The Superintending Engineer,



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Corporation of Chennai,
Rippon Buildings,
Chennai.

2. The District Revenue Officer,
Corporation of Chennai,
Zonal Officer, Zone 4, No.266 T.H.Road,
Chennai - 21.

G.K.ILANTHIRAIYAN, J.

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