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W.P.No.18662 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18662 of 2020

A.Ulaganathan

...

Petitioner

/vs/

1. The Chairman,
Tamil Nadu Electricity Board Limited,
Tamil Nadu Distribution and Generation Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.

2. The Executive Engineer,
Namakkal Electricity Distribution Circle,
TANGEDCO / Namakkal.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to dispose of the petitioner's pending appeal dated 16.07.2019 and to fix the petitioner scale of pay on par with his co-employee namely, Mr.K.Muthusamy in the basic pay of Rs.88,600/- with effect from June, 2018 along with 3% hike for



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passing Accounts Test with effect from June 2018 and to extend all the consequential benefits of petitioner including arrears of pay and re-fixation of pension and the difference in Retirement benefits.

For Petitioner ... Mr.R.Jaikumar
For Respondents ... Mr.K.Purushothaman for R1 & R2

ORDER

The petitioner who claims himself senior to one Muthuswamy has filed this writ petition seeking direction to the respondents to dispose of the petitioner's pending appeal dated 16.07.2019 and to fix the petitioner's scale of pay on par with his co-employee – K.Muthusamy and to extend all the consequential benefits of petitioner including arrears of pay and re-fixation of pension and the difference in Retirement benefits.

2. This is a case of junior getting more pay than the senior. As per the submission of the learned counsel for the petitioner, the petitioner and one Muthusamy were employed as Helpers with the second respondent on 23.07.1987 and 17.07.1987 respectively. From then onwards the petitioner and Muthusamy were getting the same salary. On 24.03.1998, the



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petitioner got promotion to the post of Commercial Inspector and his pay was fixed at Rs.4720/-. At that point of time, Muthusamy was getting the pay of Rs.4570/-. Muthusamy got promoted to the said post only on 28.12.1999. However he adopted to fix his promoted scale of pay on 01.01.2000. So as on 01.01.2000, both the petitioner and Muthusamy were getting equal pay.

3. On 01.12.2002 there was a wage revision and that was also applicable equally for both of them and they were getting equal salary. On 31.08.2005, the petitioner got promoted as Foreman I Grade and his salary got fixed at Rs.6,300/-. Whereas, Muthusamy got promoted as Foreman Grade I on 30.12.2006 during which time his salary was fixed at Rs.6,475. At that point of time the petitioner was getting Rs.6,825/-. In view of his subsequent annual increments, as on 01.01.2007 both the petitioner and Muthusamy were getting equal pay 7,000/-. On 01.12.2007 there was a wage revision and that also resulted in equal pay for both the petitioner and Muthusamy.



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4. Petitioner got qualified as a Special Grade Foreman and his salary was revised on 01.01.2012 as 20240+4600G.P. and subsequently he was appointed as Junior Engineer Grade-II and at that time his salary was fixed as 20420+4600 G.P. Petitioner did not seem to have got any increment on his promotion as Junior Engineer. However, as on 01.01.2013 he was getting a higher pay than Muthusamy and he continues to get higher pay till 09.01.2014. All of a sudden, the implementation of wage revision on 01.12.2015 resulted in fixation of Rs.81,000/- for Muthusamy and Rs.76,400/- for the petitioner. In fact, Muthusamy got his promotion as Junior Engineer Grade II also on 21.06.2018, which is much later than the petitioner. Since the petitioner got promotion as Junior Engineer Grade II as early as on 27.11.2012 and Muthusamy got promoted as Junior Engineer Grade II only on 21.06.2018, in all probabilities, it is the petitioner who ought to have a higher pay than his Junior (Muthusamy).

5. The counter of the respondents does not throw any light on the anomaly which is palpable from the table submitted by the petitioner in support of his claim. No plausible explanation was also given as to why the



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petitioner should get a lesser pay than the junior. The fact that Muthusamy is junior to the petitioner is not disputed. Since there are glaring anomalies, I feel the second respondent has to consider the request of the petitioner and pass appropriate orders to step up the pay of the petitioner and set right the anomaly.

6. In the result, this Writ Petition is allowed and the respondents are directed to dispose the petitioner's pending appeal dated 16.07.2019 and to fix the petitioner's scale of pay on par with his co-employee – K.Muthusamy and to extend all the consequential benefits of petitioner including arrears of pay and re-fixation of pension and the difference in Retirement benefits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

16.11.2023

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

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To:

1. The Chairman,
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Tamil Nadu Distribution and Generation Corporation Ltd.,
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