



W.P(MD)No.14949 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14949 of 2022

G.Raghavalu

... Petitioner

Vs

Senior Manager – HR (Welfare & Canteen),
Bharat Heavy Electricals Limited,
Tiruchirappalli – 620 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the respondent in No.TP.HR. 2179342 dated 18.06.2021 and quash the same as illegal and consequently direct the respondent to pay the petitioner (a) The arrears arising out of the Annual Increment for the year 2014 along with interest at the rate of 18 percent from 25.12.2014 to till the payment, (b) The arrears arising out of the said increment on Wage revision along with interest at the rate of 18 percent from 01.01.2017 to till the payment, (c) The arrears arising out of the said increment on Leave Encashment along with interest at the rate of 18% from 01.05.2018 & 25.06.2018 to till the payment for the respective amounts, (d) The arrears arising our of the said increment on PF along with interest at the rate of 18%



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from 25.12.2014 to till the payment, (e) The penal rent of Rs.1,00,599/- along with interest at the rate of 18% from July 2019 to till the date of payment, (f) The OPD amount of Rs.39,000/- will be paid with interest at the rate of 18% from Sep 2020 to till the date of payment, (g) The TA and Transportation of Baggage will be paid with interest at the rate of 18% from June 2019 to till the date of payment, (h) The Pension corpus due of R2.78,112/- along with interest at the rate of 18% from July 2018 to till the date of payment, (I) The loss of pension for 12 months from July 2018 to July 2019 amounting to a sum Rs. 65,592/- along with interest at the rate of 18% from July 2019 to till the date of payment and (j) The Diminished pension of Rs.426/- per month from July 2018 to till the disbursement of the debarred corpus amount with interest at the rate of 18%, (k) The Gratuity amount due to the petitioner amounting to Rs.93.592/- along with the interest at the rate of 18% from July 2018 to till the payment, (l) The interest at the rate of 18 along with interest for the delayed payment of gratuity by 2 installments of Rs.7,42,601/- and Rs.1,63,807/- and (m)The Interest for the corresponding period at the rate of 18% for delayed payments made to the petitioner viz., Promotion arrears – Rs.49,087, Wage Revision arrears Rs.3,84,032/- and PF arrears – Rs.44,110/- within the period that may be stipulated by this Court.

For Petitioner : Mr.M/Jerin Mathew

For Respondent : Mr.Raguvarangopalan

ORDER

Heard the learned counsel on either side.



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2.The fate of this writ petition hinges on W.P(MD)No.10710 of 2020.

The other writ petition has been allowed by me today (28.03.2023). The respondents have been directed to re-visit the issue of promotion of the petitioner to the post of Chief Technician with effect from December 2013. I have directed the Management to communicate the relevant ACR entries and also hold Special DPC. Based on the outcome of said decision, the petitioner's right will abide.

3.This writ petition is allowed. There shall be no order as to costs.

28.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

Senior Manager – HR (Welfare & Canteen),
Bharat Heavy Electricals Limited,
Tiruchirappalli – 620 014.



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G.R.SWAMINATHAN, J.

MGA

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