



W.P.(MD).No.23503 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23503 of 2023

Syed Ismail

... Petitioner

Vs

1. The Chief Engineer,
Personnel, 8th Floor, N.P.K.R.R.Maalikai,
No.144, Annasalai, Chennai 600 002.
2. The Superintending Engineer,
Sivagangai Electricity Distinction Circle,
Sivagangai District.
3. The Executive Engineer,
Distinction, Karaikudi,
Sivagangai District.
4. The Assistant Engineer,
Thiruppathur Electricity Distribution Circle,
Thiruppathur, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to refix petitioner salary from the petitioner junior appointment dated 30.12.2014 with arrears monetary and other benefits at the rate of interest 9



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percent per month based by considering the petitioner representation, dated 31.08.2023.

For Petitioner : Mr.A.Banumathy

For Respondents : Ms.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the first respondent to refix petitioner salary from the petitioner junior appointment, dated 30.12.2014 with arrears monetary and other benefits at the rate of interest 9 percent per month, on considering the petitioner representation, dated 31.08.2023.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.A.Banumathy, learned counsel appearing for the petitioner and Ms.M.Parameswari, learned Standing Counsel appearing for the respondents. Perused the materials on record.



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4.(i).On 07.09.2009, the petitioner was appointed as Assessor, Grade II by the second respondent and the petitioner joined in the third respondent office. Presently the petitioner is working as Inspector of Assessor in the fourth respondent Office.

(ii).On 29.12.2014, nearly 4000 persons were promoted as Assessor by the first respondent. However, the petitioner's name was not listed, for the reason that charges are pending against the petitioner, alleging that the petitioner failed to inform the higher officials that one consumer was constructing building by using domestic current, for which, a charge memo has been issued against the petitioner by the third respondent on 15.03.2014. The petitioner made a detailed reply on 11.02.2015 to the enquiry officer. Without accepting the explanation given by the petitioner, the third respondent passed a punishment of censure.

(iii).Aggrieved by the said order passed by the third respondent, the petitioner preferred an appeal before the second respondent on 15.04.2016. After detailed enquiry, punishment of censure was cancelled by the second respondent on 24.09.2016 and further made recommendation to the first respondent to promote the petitioner as Inspector of Assessment, vide



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proceedings, dated 20.07.2018. The first respondent gave promotion to the petitioner as Inspector of Assessment, vide proceedings, dated 31.12.2018.

(iv).It is further submitted that his promotion has to be compared with his junior namely Rajesh Kannan, who joined on 30.12.2014 and his seniority number is 2453. The petitioner is drawing salary less than his junior namely Rajesh Kannan. On that basis, the petitioner seeks parity of payment on par with his junior Rajesh Kannan, for which, representation was sent to the first respondent to refix his salary, on par with his junior said Rajesh Kannan with interest. The first respondent had sent a letter to the second respondent on 27.09.2022 and given a direction to file a report regarding the grievance of the petitioner. But the second respondent failed to send a detailed report to the first respondent. Hence, the writ petition came to be filed.

5.In view of the limited relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the first respondent to consider the representation of the petitioner, dated 31.08.2023 and pass final orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

26.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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