
(2010) 11 AP CK 0047

In the Andhra Pradesh High Court

Case No : Writ Petition No. 711 of 2004

P.K. Ramachandra Raju and Others

APPELLANT

Vs

A.P. Power Generation Corporation Ltd.

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Citation : (2010) 11 AP CK 0047

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : P.B. Vijay Kumar, for the Appellant; C. Raghu, SC for AP GENCO, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The Petitioners served as Engineers in different levels in the erstwhile Andhra Pradesh Electricity Board and after re-organization thereof, in the Andhra Pradesh Power Generation Corporation Limited, the Respondent herein. All of them are from the Mechanical branch of Engineering Service. Their grievance is that one Divisional Engineer in Electrical branch, by name, M. Padma Rao, though junior to them in service, has been placed in a higher scale of pay and the anomaly was not rectified, despite representations. Petitioners contend that M. Padma Rao was junior to all of them at every stage, viz., Assistant Engineer, Assistant Divisional Engineer and Divisional Engineer, and still he was drawing the pay scale of Rs. 19,700/-, almost Rs. 600/- per month over and above the pay scale of the Petitioners. Petitioners placed reliance upon certain memos and orders issued from the Board, from time to time.

2. Respondent filed counter - affidavit. It is stated that the Petitioners cannot draw comparison between themselves and an Engineer, working in different branch. According to them, the two branches are separate and they do not form part of same cadre. It is also mentioned that the memos, relied upon by the Petitioners, would apply only when anomaly arises among the employees in the same cadre and not otherwise.

3. Dr. P.B. Vijaya Kumar, learned Counsel for the Petitioners, submits that there exists engineering service in the Respondent organization and the cadres or different posts are within that service.

According to him, the division of cadre into various branches, has no bearing upon the structure of the cadre as such.

4. Sri C. Raghu, learned Standing Counsel for the Respondent, on the other hand, submits that there are as many as 8 Branches in the Engineering Service and each service has its own cadre with specific duties or functions attached to it and the employees in one cadre cannot be compared with those in other cadre.

5. Petitioners have furnished a comparative table, demonstrating that M. Padma Rao, B.E., Electrical Engineer, was junior to them at every stage. The table discloses that the pay scale of the said individual and that of the Petitioners at the commencement of various stages, viz., Assistant Engineer, Assistant Divisional Engineer, Divisional Engineer, was identical. The anomaly appears to have occurred on account of the fact that the Petitioners, being seniors, got Special Grade Promotion scale at a time when the pay scales were not revised, and the benefit was about Rs. 20/-. However, Padma Rao got the Special Grade Promotion scale few months later, by which time, the revised pay scales became effective. The benefit on account of the Special Grade Promotion scale for him was to a tune of Rs. 550/-. This anomaly continued then onwards.

6. The circulars issued by the Board from time to time are to the effect that in case a junior is promoted earlier to a senior in a cadre and the senior is promoted later; on such promotion, the anomaly of pay scale must be removed. One of the conditions is that the junior and the senior must be from the same cadre, and shall be discharging the same duties.

7. The grievance of the Petitioners would certainly have been genuine, in case, Padma Rao and themselves were in the same cadre.

8. It is important to note that in the Board, there exists separate Engineering Service. That, in turn, has 8 branches, viz., Electrical, Civil, Mechanical, Telecommunications, Chemists, Draughtsman, Transport Overseer and Blue Printers. The structure of each branch is different from the other. In some branches, there are posts of Class - I, Class - II and Class - III, which, in turn, comprise of different categories. There is vast variation between one branch and another branch in this regard. In some cases, the branches comprise of posts of Classes - II and III alone, and in some cases Class - III alone exists. When such is the variation, it is difficult to accept that the Engineers of a particular level in all the branches constitute one cadre. As a matter of fact, the method of promotion, the channels of promotion etc., are totally different for each of them. The mere fact that the pay scale of the Engineers in two identical branches is the same, does not, by itself, become a factor to draw comparison as to the pay scales at different stages.

9. Hence, the Writ Petition is dismissed. There shall be no order as to costs.