

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.29846 of 2015

and

M.P.No.1 of 2015

M.Jesuraj

.. Petitioner

Vs

The Commandant,
Tamil Nadu Special Police,
13th Battalion, Poonamallee,
Chennai - 56.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to extend the benefit of G.O.Ms.No.25 Personnel and Administrative Reforms (FR.IV) Department dated 23.03.2015 to the petitioner and fix equal pay and pensionary benefits on par with his junior G.Munusamy with effect from 21.08.2006, the date of the petitioner's promotion as Inspector Adjutant of Police with all service and monetary benefits.

For Petitioner : Ms.M.Srividhya

For Respondent : Mr.M.S.Ramesh,
Addl. Govt. Pleader

ORDER

Petitioner has filed this writ petition seeking for the issuance of a writ of mandamus to direct the respondent to extend the benefit of G.O.Ms.No.25 Personnel and Administrative Reforms (FR.IV) Department dated 23.03.2015 to him and fix equal pay and pensionary benefits on par with his junior G.Munusamy with effect from 21.08.2006, the date of the petitioner's promotion as Inspector Adjutant of Police with all service and monetary benefits.

2.It is the case of the petitioner that he joined the Tamil Nadu Special Police II Battalion on 13.08.1975 and subsequently promoted as Lance Nair and then as Naik. In the year 1983, the petitioner was promoted to the post of Sub Inspector in 1994 and then as Inspector in

the year 2000. Thereafter, the petitioner was promoted as Inspector Adjutant on 21.08.2006 and Assistant Commandant on 10.09.2010 and retired from service on 31.12.2011. The grievance of the petitioner is that his junior viz., G.Munusamy, who joined the service only on 19.02.1977 as Grade II police constable was promoted to the post of Inspector Adjutant on 16.02.2002 itself but the petitioner was given promotion only on 21.08.2006. Seeking to fix equal pay on par with his junior, the petitioner has come up with the present writ petition.

3.Learned counsel for the petitioner has drawn the attention of this Court to Rules 24(d) and 35 of the Tamil Nadu Special Police Subordinate Service Rules and submitted that the said Rules protect the interest of the seniors, who lost their chances of promotion before the promotion of their juniors. She would submit that the Government has passed an order in G.O.Ms.No.25 Personnel and Administrative Reforms (F.R. IV) Department dated 23.03.2015 to protect the interest of seniors in the matter of pay anomaly. Learned counsel for the petitioner would further submit that though the petitioner made a representation on 28.05.2015 followed by a reminder on 28.07.2015, no action has been taken by the respondent. Relying on the Government Order in G.O.Ms.No.25 dated 23.03.2015, the learned counsel for the petitioner would submit that the benefits extended to the similarly placed persons like that of the petitioner may be extended to the petitioner also.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, the respondent is directed to consider the representation of the petitioner dated 28.05.2015 followed by a reminder dated 28.07.2015, in the light of G.O.Ms.No.25 Personnel and Administrative Reforms (F.R. IV) Department dated 23.03.2015, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-sd/-

ASSISTANT REGISTRAR (CS-III)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

mmi

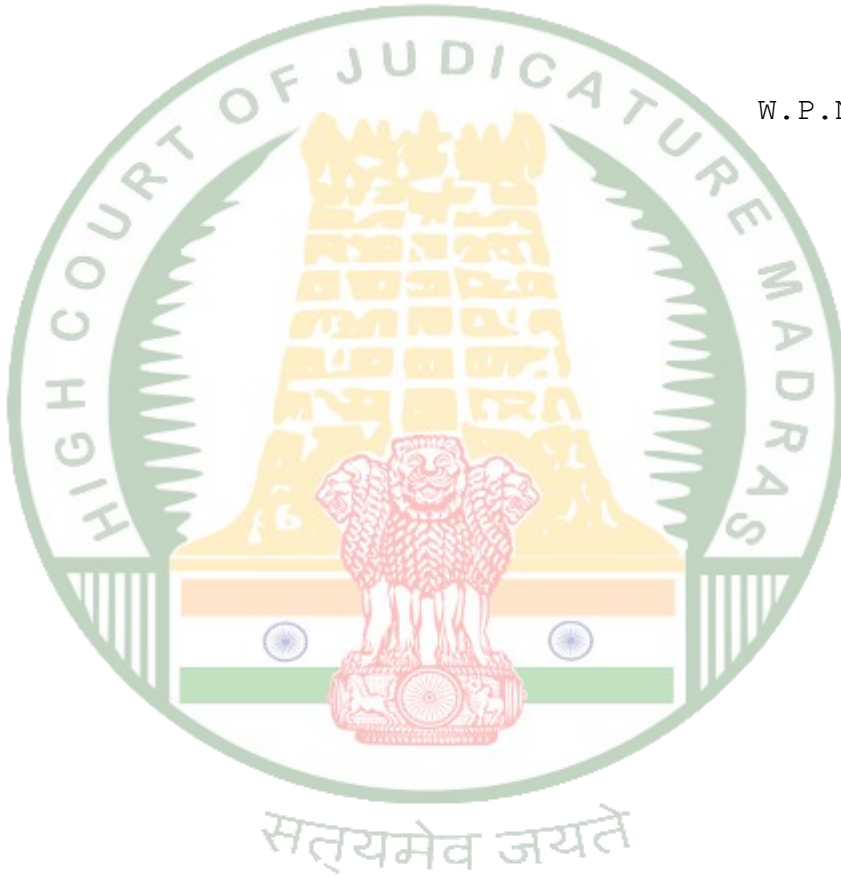
To

The Commandant,
Tamil Nadu Special Police,
13th Battalion, Poonamallee,
Chennai - 56.

+1 CC to M/S. M.Srividhya ADVOCATE. SR.NO. 52997
+1 CC to Govt.Pleader. SR.NO. 53043

W.P.No.29846 of 2015

CO-TS
JD 08/10/2015



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