

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1516 of 2011

G.Chinnaraj

...Petitioner

-Vs-

1.The Commissioner of Police,
Salem City,
Salem 636 007.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 to pay the arrears of increment from 1.1.2003 and also direct the first respondent to pay Selection Grade pay from 1.1.1999 till the date.

For Petitioner : Mr.M.John Kennedy

For Respondents : Mr.S.Diwakar,
Special Government Pleader

O R D E R

The writ petition has been filed to direct respondents 1 and 2 to pay arrears of increment from 1.1.2003 and also direct the first respondent to pay Selection Grade pay from 1.1.1999 till date.

2.The case of the petitioner is as follows:

(i)The learned counsel for the petitioner would submit that the petitioner joined as Constable in Tamil Nadu Police Department on 20.1.1975. Subsequently, he was promoted as Head Constable on 19.1.1990 and Sub Inspector of Police on 15.02.1999 with time scale of pay of Rs.5300-150-6300-200-7300. The petitioner served in the department with an unblemished record. Thereafter, he worked as Sub Inspector of Police at Ammapet Police Station, Salem from 17.4.1999 to 8.2.2001 and Sub Inspector of Police, Civil Supplies, CID, Salem. Subsequently, he was

promoted as Deputy Superintendent of Police, Vigilance and Anti Corruption, Salem.

(ii)When the petitioner was working at Ammapet Police Station, a charge sheet was laid on the petitioner and three others under Section 2 (c) of the Prevention of Corruption Act, 1983 alleging corruption and a case was registered in Cr.No.9/AC/2002 under Sections 7 and 13(2) r/w.13 (1)(d) of Prevention of Corruption Act, 1988 before the Chief Judicial Magistrate, Salem. Due to the charge sheet laid against the petitioner for the aforesaid offence, the increment of the petitioner was suomotu stopped. Before laying the charge sheet, on 10.06.2002, the petitioner was transferred to Sub Inspector of Police, Civil Supplies, CID to Salem and thereafter, he was transferred to Harur Police Station at Salem and at last, he was transferred to Economic Offences Wing II, Salem District. The Inspector General of Police, who is the co-accused with the petitioner, also implicated in the said charge sheet.

(iii)Ever since the FIR laid against the petitioner on 10.04.2002, he was not paid the annual increment of Rs.150/- and the revised increment, which has been given as per 6th Pay Commission. Selection Grade pay from 1.1.2009 was also denied to the petitioner.

(iv)Under Rule 24 of Fundamental Rules of Tamil Nadu Government, no increment can be stopped on account of pendency of any case not relating to the departmental proceedings. The co-accused of the petitioner, whose name has been involved in the charge sheet for the very same offence, has been given increment. Hence, the petitioner has come forward with the present writ petition.

3.The learned counsel for the petitioner has submitted that the petitioner made a representation dated 15.02.2009 to the Commissioner of Police, Salem, which is enclosed in the typed set of papers, to grant increment to him from the year 2003, as the co-accused, who is involved in the same offence has been given increment. But, the said representation has not been considered by the first respondent and the same is pending after a lapse of seven years.

4.The learned counsel for the respondents has submitted that though the petitioner gave a representation dated 15.02.1999 to the Commissioner of Police, Salem, no acknowledgment receipt has been filed in the typed set of papers. Hence, the petitioner may be directed to give a fresh representation before the authorities concerned and the same will be considered in accordance with law.

5.Considering the facts and circumstances of the case and in view of the submission made by the learned Special Government Pleader appearing for the respondents, the petitioner is directed to give a fresh representation to the first respondent along with a copy of the order passed in the present writ petition and a copy of the representation dated 15.02.2009 within a period of two weeks from the date of receipt of a copy

of this order and on such receipt of the same, the first respondent is directed to consider and pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.

6.The writ petition is disposed of with the above said direction. No costs.

cla

Sd/-

Assistant Registrar (CS V)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Salem City,
Salem 636 007.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

+1 CC to M/S.T.ARULRAJ Advocate SR.NO.2545

+1 CC to Govt Pleader, High Court, Madras SR.NO.3041

NRI [CO]
MK:07/03/2017

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