



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) .No.22524 of 2018

and

W.M.P. (MD) .Nos.20374 to 20376 of 2018

K.Govindasamy

... Petitioner

-vs-

1. The Inspector General of Police,
South Zone, Madurai.
2. The Deputy inspector General of Police,
Tirunelveli Range, Tirunelveli.
3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
4. The Superintendent of Police,
Kanyakumari District.
5. The Superintendent of Police,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ Certiorarified Mandamus, to call for the records of the fourth respondent pertaining to the impugned order as per Appendix-II dated 07.11.2017 issued by the 4th respondent and quash the same and consequently, direct the fourth respondent to re-fix the Pay-Matrix in Level-8 as per VII Pay Commission.

For Petitioner : Mr.R.Murugan

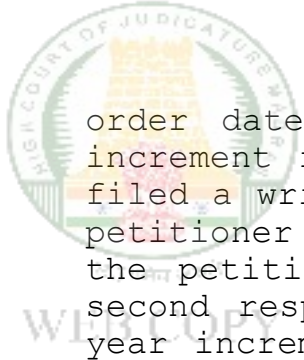
For Respondents : Mr.C.Ramar
Additional Government Pleader

ORDER

Heard Mr.R.Murugan, learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The writ petitioner has joined as Grade-II Police Constable in the year 2003. Thereafter, the fourth respondent by



order dated 10.07.2014 awarded the punishment of postponement of increment for a period of two years, against which, the petitioner filed a writ petition before this Court and this Court directed the petitioner to prefer an appeal before the second respondent. Hence, the petitioner filed an appeal before the second respondent. The second respondent, modified the punishment imposed on him as one year increment without cumulative effect. As a result of which, he was promoted as Grade-I Police Constable on 01.03.2016.

3.The grievance of the petitioner is that though he was promoted as Grade-I Police Constable with effect from 01.03.2016 and the same was communicated to him vide order of the Superintendent of Police, Kanyakumari District, dated 30.08.2016, the fixation of pay as per revised pay scale is not in accordance with the Pay-Matrix. Further, it is submitted that though he was promoted as Grade-I Police Constable as early as in the month of March 2016, the entry of his service in the service record still show him as Grade-II Police Constable. In this regard, he has given a representation to the Superintendent of Police, Ramanathapuram District, as early as on 11.01.2018, whereas he has been transferred subsequently from Kanyakumari District. Since there was no response, he has made another representation dated 11.10.2018 to the fifth respondent. Till date, the fifth respondent has not passed any order on his representation for re-fixing of pay as per VII Pay Commission. Hence, the present writ petition has been filed.

4.The learned Additional Government Pleader appearing for the respondents would submit that since the writ petitioner was transferred from Kanyakumari District to Ramanathapuram District, his service record has not been properly updated by the fourth respondent, Superintendent of Police, Kanyakumari. Hence, the fifth respondent is not in a position to re-fix the pay of the writ petitioner considering his promotion as Grade-I Police Constable with effect from March 2016.

5.In view of the above facts, this Court is of the opinion that instead of keeping the writ petition on file, direct the respondent Nos.3 to 5 under whom, the writ petitioner was serving as Grade-II Police Constable and Grade-I Police Constable over the period, to consider the representation of the writ petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petitioner herein is directed to serve a copy of this order along with the representation to the respondent Nos.3 to 5. The fifth respondent shall also make communication to the other two respondents viz., the Superintendent of Police, Tirunelveli and the Superintendent of Police, Kanyakumari, to collect all necessary particulars of the writ petitioner and update the records in the service book. After updating the service record of the writ petitioner, the fifth respondent herein shall pass appropriate orders re-fixing the pay



scale of the writ petitioner within a period of ten weeks thereafter. If any arrears to be paid to the writ petitioner, the same shall be paid within a period of twelve weeks from the date of re-fixing the pay scale of the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector General of Police,
South Zone, Madurai.
2. The Deputy inspector General of Police,
Tirunelveli Range, Tirunelveli.
3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
4. The Superintendent of Police,
Kanyakumari District.
5. The Superintendent of Police,
Ramanathapuram District.

+1cc to Mr.R.Murugan, Advocate Sr.No.94453

+1cc to SPL.Govt.Pleader, Sr.No.94614

NS

MK/RSK/SAR2/05.12.2018/3P/8C

**W.P. (MD) .No.22524 of 2018
and**

**W.M.P. (MD) .No.20354 of 2018
08.11.2018**