



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 24.09.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.19730 of 2018
and
W.M.P(MD)No.17519 of 2018

M.Ganeshram

..Petitioner

-Vs-

1.The State of Tamil Nadu,
represented by the Principal Secretary,
Home(Police-3)Department,
Fort St.George, Chennai -9.

2.The Director General of Police,
(Law and Order), Chennai - 600 004.

3.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to re-fix the seniority of the Petitioner on par with his batch-mates, who were appointed as Sub-Inspectors on 18.1.2008 as per the marks obtained at the end of training and consequently to revise the scale of pay within the time stipulated by this Court.

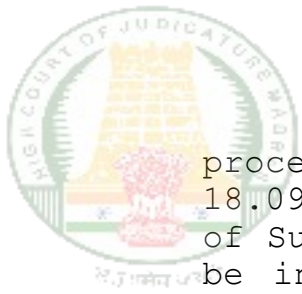
For Petitioner : Mr.T.Aswin Rajasimman
for M/s.T.Lajapathi Roy
For Respondents : Mr.K.Mu.Muthu
1 to 3 Addl.Govt.Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the second respondent to re-fix the seniority of the Petitioner on par with his batch-mates, who were appointed as Sub-Inspectors on 18.1.2008 as per the marks obtained at the end of training and consequently to revise the scale of pay within the time stipulated by this Court.

2.Heard the submissions made on either side and perused the materials placed before this Court.

3.When the matter is taken up for hearing today, the learned counsel for the Petitioner would submit that taking note of the submission in paragraph 16, this Writ Petition may be closed.
Portion of Paragraph 16 is extracted hereunder:



'16.....However, now, as per the proceedings of the second respondent, dated 18.09.2018, his seniority has been fixed in the cadre of Sub-Inspector of Police properly and his name will be included appropriately in the panel of Inspector of Police (AR) for the year 2018 and he will be promoted as Inspector of Police as and when his turn comes.'

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the Petitioner would be entitled to fixation of pay from 18.01.2008, but however arrears will be paid from the actual date of payment and the relevant portion of paragraph 7 is extracted hereunder:

'7..... the Petitioner is eligible for fixation of pay notionally with effect from 18.1.2008 and the arrears will be with effect from his actual date of his appointment as SI (AR) as per the Fundamental Rule 27 Ruling (17).'

5.Taking note of the aforesaid facts, the Writ Petition is disposed of in terms of the Counter, which is extracted supra. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The Principal Secretary,
Government of Tamil Nadu,
Home (Police-3) Department,
Fort St.George, Chennai -9.

2.The Director General of Police,
(Law and Order), Chennai - 600 004.

3.The Commissioner of Police,
Office of the Commissioner of Police, Madurai City.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.86275

+1CC to the Special Government Pleader SR.No. 86246

W.P (MD) No.19730 of 2018 and
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24.09.2018

VSN

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