

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21636 of 2019  
and W.M.P.No.20859 of 2019

Jayan P. Samuel  
Second in Command,  
O/o DIGP, Chennai.

...Petitioner

vs

1.The Union of India  
Represented by the Secretary  
to Ministry of Home Affairs  
North Block Secretariat  
New Delhi.

2.The Director General  
CRPF, CGO complex  
Lodhi road, New Delhi-110 003.

3.The Special Director General of Police  
South zone, CRPF  
Chandrakutta  
Hyderabad - 500 005.

4. The Inspector General of Police  
Southern Sector CRPF  
Road No.10C, Jubilee Hills  
Near MLA/MPs colony  
Gayathri hills  
Hyderabad-500 033.

5.The Deputy Director (Accounts)  
Office of Director (Accounts)  
Pay and Accounts Office (CRPF)  
Ministry of Home Affairs  
Mahavir Nagar, New Delhi-110 018.

6.The Deputy Inspector General of Police  
Range Hqr.  
GC CRPF, Avadi  
Chennai-600 065.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the letter dated 30.10.2015 of 5<sup>th</sup> respondent in proceedings No.IRLA-5961/15 - 16 - GO. Section and subsequent letter dated 13.02.2019 of the 2<sup>nd</sup> respondent in proceedings No.P.I.1/2019-Pers-DA-2 rejecting the petitioner's request to revise his pay and quash the same directing the respondents to revise his pay based on his option certificate given on 16.01.2019 in accordance with the instructions given in Ministry of Finance, GOI OM No.F.No.7/14/2010-E.III(A) dated 05.07.2010 and also revise all his subsequent pay fixation at par with his batch mates/juniors and grant arrears thereon.

For Petitioner : Ms.Meenakshi R.

For Respondents : Ms.Sunitha Kumari  
Senior Panel Counsel

#### O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the letter dated 30.10.2015 of 5<sup>th</sup> respondent in proceedings No.IRLA-5961/15 - 16 - GO. Section and subsequent letter dated 13.02.2019 of the 2<sup>nd</sup> respondent in proceedings No.P.I.1/2019-Pers-DA-2 rejecting the petitioner's request to revise his pay and quash the same directing the respondents to revise his pay based on his option certificate given on 16.01.2019 in accordance with the instructions given in Ministry of Finance, GOI OM No.F.No.7/14/2010-E.III(A) dated 05.07.2010 and also revise all his subsequent pay fixation at par with his batch mates/juniors and grant arrears thereon.

2. Heard the learned counsel appearing for the petitioner as well as the learned Senior Panel Counsel appearing for the respondents.

3. The case of the petitioner is that he is presently working as Second-in-Command in the office of the Deputy Inspector General of Police, Range Headquarters, Group centre, CRPF, Avadi, Chennai. The petitioner joined Central Reserve Police Force with a qualification of M.sc.(Physics) B.Ed., in the rank of Sub-Inspector (General Duty) on 23.05.1998 on direct recruitment of sub-ordinate officers. During the year 2003, the petitioner was selected through Limited Departmental Competitive Examination for the post of Assistant Commandant and he was

appointed in the same rank in the year 2003. Subsequently, he was promoted as Deputy Commandant and promoted to the rank of Second-in-Command in the year 2016. During his service, he has been posted in units/establishment of CRPF located at various places in our country and undergone many in service courses and got medals.

4. It is the further case of the petitioner is that he is the member of CRPF and governed by the CCS (Revised Pay Rules), 2008. Pursuant to the recommendations of the 6<sup>th</sup> Central Pay Commission (CPC), a revised pay structure was proposed. Under Rule 11 of the CCS (Revised Pay Rules) where a Government servant opted to continue to draw his pay in the existing scale with effect from 1<sup>st</sup> January, 2006 and switch over to the revised scale from a date later than 1<sup>st</sup> January, 2006, his pay from the later date in the revised scale was required to be fixed in terms of Rule 11(i). The option for new fixation of pay was required to be exercised within a period of three months from the date of issue of the memorandum/orders as per Rule 6(1) of the CCS (Revised Pay Rules) 2008. Further, Rule 6(4) provided that the option so exercised shall be final. However, various representations were made that the Government servants may be permitted to revise the first option exercised by them in view of the new system of pay band and grade pays. However, in the present case, deputation of the petitioner from NDRF (National Disaster Response Force) was not considered. Therefore, option certificate for revised pay scale was not submitted by the petitioner in time, for which benefit was not given to the petitioner. Hence, this writ petition.

5. Learned counsel appearing for the petitioner submitted that in a similar case in Shri. Vinod Rawat and others vs. Union of India in W.P.No.6044 of 2016, the Delhi High Court held in favour of the similarly situated persons and in order to avail such benefit, he has filed the present writ petition. He further submitted that the petitioner has submitted the option certificate along with a representation to the 2<sup>nd</sup> respondent on 16.01.2019 for revision of his pay. However, it would suffice, if this Court issues direction to the respondents to reconsider the petitioner's representation and pass appropriate orders within the reasonable time.

6. Learned Senior Panel Counsel appearing for the respondents submitted that last date for exercising the option for fixation of pay was fixed on 31.12.2010. However, the respondents agreed to consider the request made by the learned counsel appearing for the petitioner.

7. Considering the facts and circumstances of the case as well as the submissions made on either side, this Court hereby directs the respondents to reconsider the petitioner's representation dated 16.01.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary  
to Ministry of Home Affairs  
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Union of India  
New Delhi.

2.The Director General  
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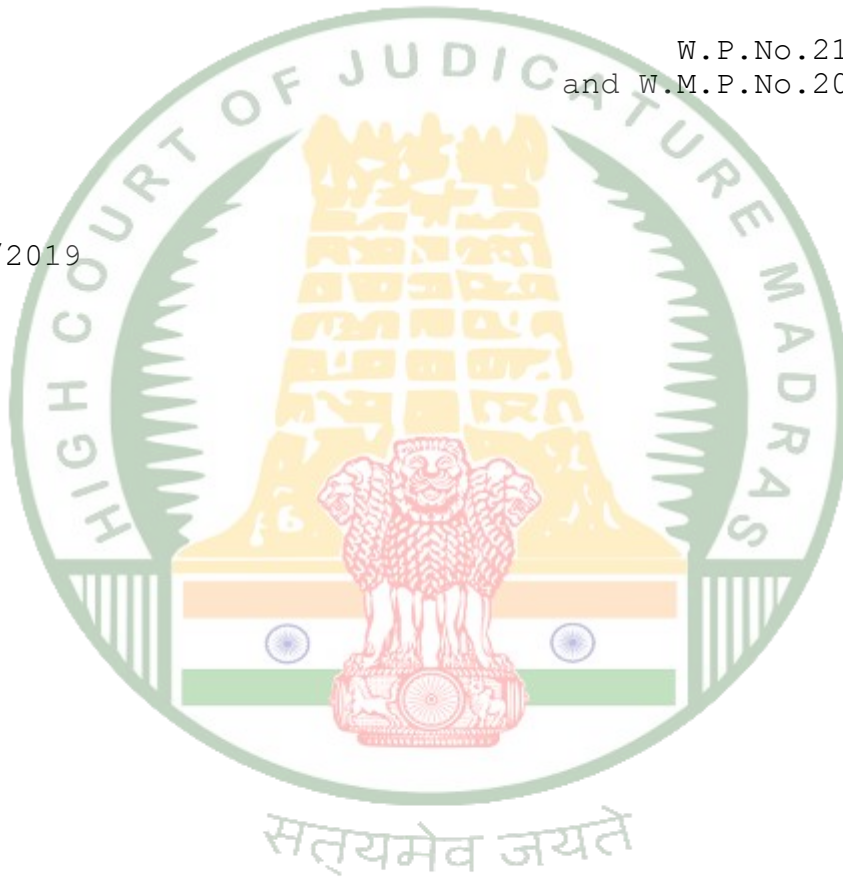
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Range Hqr.  
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Chennai-600 065.

+1cc to Mrs.R.Meenakshi, Advocate Sr.86950  
+1cc to Mrs.Sunitakumari, Advocate Sr.86748

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srg 02/12/2019



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