



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9932 of 2011

WEB COPY

Chinnadaikkan

... Petitioner

vs.

1.The Inspector General of Police
CCIWCID Wing
Tamilnadu Housing Board Campus
C-48, 2nd Avenue, Anna Nagar
Chennai-600 040

2.The Superintendent of Police
CCIWCID Wing
Tamilnadu Housing Board Campus
C-48, 2nd Avenue, Anna Nagar
Chennai-600 040

3.The Accountant General (A & E)
Nanthanam
Chennai-600 018

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order of pay fixation in Na.Ka.No.B3/291/7236/2011 Aa.No.353/2011 dated 17.08.2011 passed by the Respondent No.2 and quash the same as erroneous to the extent it reduces the basic pay by Rs.150/- in comparison with the earlier orders of pay fixation and consequently to direct the respondents Nos.2 and 3 to revise the petitioner's pension and to disburse the arrears of pay and allowance w.e.f.15.02.1999 FN within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader for R1 & R2
Mr.P.Gunasekaran for R3

O R D E R

The order dated 17.08.2011, passed by the second respondent, is under challenge in the present writ petition.

2. The impugned order states that on account of the error occurred in fixation of pay and pension is rectified in the impugned order dated 17.08.2011.



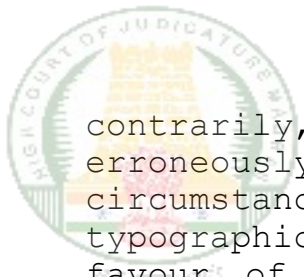
3. The facts in nutshell are that the writ petitioner was appointed as Police Constable and subsequently, promoted upto the rank of Sub Inspector of Police. The writ petitioner was retired from service on 31.05.2008. The pay fixation was done pursuant to the last pay drawn by the writ petitioner. However, while fixing the revision of scale of pay and grant of pension, there was a typographical error in granting grade pay.

4. The learned counsel appearing for the Accountant General of Tamil Nadu / third respondent made a submission that the applicable grade pay to the petitioner was Rs.4,300/-, but it was erroneously typed as Rs.4,800/-. On account of the typographical mistake committed by the office, the writ petitioner was granted with excess pension. Thus, a rectification order was passed by the second respondent to correct the mistake and pay the pension applicable to the writ petitioner. The said position is clarified in Paragraph No.4 of the counter affidavit filed by the first respondent, which is extracted hereunder:

"4. It is submitted that the basic pay and grade pay of the petitioner was fixed on 25.03.2008 in this office order in R.C.No.A1/EOW/285/2008 in D.O.No.663/08 date 25.03.2008 and there was typographical error in the said order and the order was rectified and a fresh order was issued in G.O.Ms.No.234/Finance/Pay Cell /Depart/ dated 01.06.2009. As per this order, the grade pay of the petitioner is Rs.4,300. As per the order in G.O.Ms.No.66/Finance/Pay Cell/Depart dated 26.02.2011, the grade pay of the petitioner was fixed as Rs.4,800/- effect from 01.03.2011. Hence the averments of the petitioner do not deserve any merit and it may be rejected accordingly."

5. It is further contended that the writ petitioner is entitled to get the grade pay of Rs.4,300/-. The grade pay was wrongly typed as Rs.4,800/-. Under these circumstances, this Court is of the opinion that the authorities competent are empowered to correct the typographical mistakes, if any occurred during the fixation of pay or pension. In the present case, it is categorically stated that the excess fixation was made on account of the typographical mistake committed by the office of the respondents in the matter of typing the grade pay as applicable to the writ petitioner. This being the factum of the case, there is no error in respect of the rectification of mistake done through the impugned order, dated 17.08.2011.

6. The learned counsel for the writ petitioner though states that the pay was fixed in accordance with the Government Orders in force, the writ petitioner is unable to establish that the excess



contrarily, the counter affidavit states that the grade pay was erroneously typed as Rs.4,800/- instead of Rs.4,300/-. Under these circumstances, the respondents shall once again verify the typographical error or the correctness of the fixation done in favour of the writ petitioner and accordingly, pay the correct pension as well as the other benefits as applicable to the writ petitioner in accordance with the Government Orders in force as well as the Pay Rules. Such a verification shall be done through the service records available with the respondents. If any other grievance exists for the writ petitioner, it is left open to him to approach the competent authorities for redressal of his grievance. In this view of the matter, there is no infirmity in respect of the correction of typographical error by the respondents.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To:

1.The Inspector General of Police,
CCIWCID Wing,
Tamilnadu Housing Board Campus,
C-48, 2nd Avenue, Anna Nagar,
Chennai-600 040.

2.The Superintendent of Police,
CCIWCID Wing,
Tamilnadu Housing Board Campus,
C-48, 2nd Avenue, Anna Nagar,
Chennai-600 040.

3.The Accountant General (A & E)
Nanthanam, Chennai-600 018

+1 CC to Mr.P.GUNASEKARAN, Advocate SR-84692.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-84666.

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(1/2)

CS(16.09.2019) 3P 6C