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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2019

CORAM

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P(MD)No.5642 of 2019

N.Shanmugam

... Petitioner

vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary to Home Department,  
Fort St. George, Chennai - 600 009.

2.The Director General of Police,  
Kamarajar Salai,  
Mylapore,  
Chennai - 600 004.

3.The Superintendent of Police,  
Crime Branch CID,  
Pantheon Road,  
Chennai - 8.

4.The Accountant General  
(Accounts & Establishment),  
No.361, Anna Salai,  
Taynampet,  
Chennai - 18.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to award the Selection Grade in the post of Sub Inspector of Police on completion of 10 years of service both in the post of Special Sub Inspector of police and regular Sub Inspector of Police on 31.05.2008 as per the third respondent's proposal in C.No.A1/7527/17, dated 23.05.2017 and fourth respondent's proposal in PEN-5/6/RTI 1241/731/2017-18/60/98298, dated 11.12.2017 and in furtherance revise the pension based on the petitioner's representation dated 11.08.2017.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.C.Mari Chellaiah Prabhu  
Additional Government Pleader  
for R1 to R3



: Mr.P.Gunasekaran  
for R4

**ORDER****WEB COPY**

This Writ Petition is filed seeking a direction to the second respondent to award the Selection Grade on completion of 10 years of service both in the posts of Special Sub Inspector of police and regular Sub Inspector of Police on 31.05.2008, as per the third respondent's proposal in C.No.A1/7527/17, dated 23.05.2017 and fourth respondent's proposal in PEN-5/6/RTI 1241/731/2017-18/60/98298, dated 11.12.2017 and to revise the pension, based on the petitioner's representation, dated 11.08.2017.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Counsel appearing for the fourth respondent and perused the materials available on record.

3. The case of the petitioner is that he was appointed as Grade-II Police Constable on 14.08.1969 and consequently, he was given promotion as Special Sub-Inspector of Police and Sub-Inspector of Police. He retired from service on 31.08.2008, on attaining the age of superannuation. Now the grievance of the petitioner is that though he is eligible to get Selection Grade Pay both in the posts of Special Sub-Inspector of Police as well as the Sub-Inspector of Police, the said benefit was not given to him. Hence, he made a representation to the respondents on 11.08.2017 seeking selection grade. Though a proposal dated 23.05.2017 has been sent to the second respondent by the third respondent, the representation of the petitioner has not been considered so far. Subsequently, the fourth respondent also sent a proposal dated 11.12.2017. Hence, the petitioner has approached this Court by filing this writ petition.

4. Upon notice, the learned Additional Government Pleader appearing for the respondents 1 to 3 filed a counter affidavit of the third respondent, wherein it is stated as follows:

"The petitioner was promoted as Sub Inspector of Police on regular basis with effect from 16.05.1999 FN and on his option/request again, his pay fixed after granting increment in the lower post on 01.07.1999 under FR 22(B) in time scale of Rs.5300-150-8300. It clearly shows that his pay has been fixed (1) as Head Constable Selection Grade with effect from 01.07.1998 as per the petitioner's request, (2) as Regular Sub Inspector of Police at Rs.6200/- as per the petitioner's option sanctioned by the Superintendent of Police, Kanyakumari District, vide his order D.O.859/2001-C.No.N1/21228/2001, dated 27.06.2001. Hence, it clearly



shows that the fixation of Special Sub Inspector of Police was cancelled only on the petitioner's request. The petitioner has not completed his ten years of service in the rank of regular Sub-Inspector of Police and hence, he is not eligible to get selection grade in the rank of Sub Inspector of Police and the petitioner, without any right has filed this petition knowing fully well about his disentitlementment."

5. According to the learned Counsel appearing for the petitioner, the above said stand taken by the third respondent is absolutely against his proceedings dated 23.05.2017 and the proceedings of the fourth respondent dated 11.12.2017. Hence, he prayed that the representations of the petitioner may be directed to be considered by the second respondent in the light of the aforesaid proceedings of the respondents 3 and 4, for which, the learned Counsel appearing for the respective respondents have no serious objection.

6. In view of the above, without going into the merits of the case, the second respondent is directed to consider the representation of the petitioner, dated 11.08.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS III)

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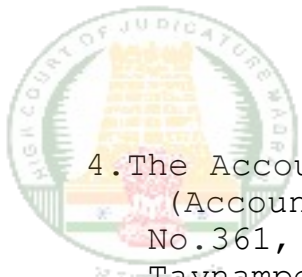
Sub Assistant Registrar (CS)

To

1. The Secretary to Home Department,  
Fort St. George, Chennai - 600 009.

2. The Director General of Police,  
Kamarajar Salai,  
Mylapore,  
Chennai - 600 004.

3. The Superintendent of Police,  
Crime Branch CID,  
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4.The Accountant General  
(Accounts & Establishment),  
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Taynampet,  
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+1cc to Mr.A.Rajaram, Advocate, SR.No. 58793

+1cc to Mr.P.GUNASEKARAN, Advocate, SR.No. 59050

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03.04.2019

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KK/SAR/02.05.2019/ 4P- 7C