

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.03.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.6656 of 2019**

P.S.Selvaraj

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department, St. George Fort,
Secretariat, Chennai - 9.

2. State rep. by,
The Director General of Police,
Chennai - 600 004.

3. State rep. by,
The Superintendent of Police,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents for re-fixation of the petitioner's salary as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988 and as Inspector of Police notionally from the date of officiation of petitioner's immediate junior M.Johnson, retired Inspector of Police or any other immediate juniors to the said Johnson on the basis of the petitioner's representation, dated 24.10.2018.

For Petitioner : Mr.K.Gokul

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader.**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to re-fix the petitioner's salary as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988 and as Inspector of Police notionally from the date of his immediate junior, on the basis of his representation, dated 24.10.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. By consent, the writ petition itself is taken up for



hearing at the stage of admission.

3.The case of the petitioner is that he was appointed as a Grade I Police Constable and while, he was serving as Inspector of Police, attained the age of superannuation and retired from service on 31.01.2007. The grievance of the petitioner is that as per the proceedings dated 11.10.2017 passed by the second respondent, he was eligible for re-fixation of pay as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988 and also Inspector of Police notionally from the date of his immediate junior. But the third respondent issued a letter stating that the petitioner was eligible for fixation of pay as Inspector of Police, but not mentioned that he was eligible for fixation of pay as Sub-Inspector of Police from 01.07.1984. Hence, he made a representation to the respondents on 24.10.2018 seeking re-fixation of pay as Sub-Inspector of Police from 01.07.1984 instead of 05.12.1988. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner would be considered on merits.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 24.10.2018 seeking to re-fix the petitioner's salary as Sub-Inspector of Police from 01.07.1984 and also Inspector of police notionally from the date of his immediate junior and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
Home Department, St. George Fort,
Secretariat, Chennai - 9.



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

3. The Superintendent of Police,
Virudhunagar District.

+1 CC to MR.K.GOKUL, Advocate (SR-55619[F] dated 21/03/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-56309[F] dated 25/03/2019)

W.P(MD)No.6656 of 2019
21.03.2019

PS

AE (25.04.2019) 3P 6C