



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.7371 of 2019

WEB COPY

M.Karthikeyan

.. Petitioner

Vs.

- 1.The Secretary to Government,
Department of Home,
Prohibition and Excise,
Fort St. George,
Secretariat,
Chennai - 600 009.
- 2.The Director General of Police (DGP),
No.1, Dr.Radhakrishna Salai,
Opposite to Queen Marys College,
Mylapore,
Chennai - 600 004.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District,
Surveyor Colony,
Madurai - 625 007.
- 4.Office of the Principal Accountant General,
(General & Social Sector Audit),
Lekha Pariksha Bhavan,
No.361, Anna Salai,
Teynampet, Chennai - 600018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to revise and re-fix petitioner's scale of pay in the post of Deputy Superintendent of Police (DSP) Category-I notionally w.e.f. 01.07.2008 stepping up of pay Rs.23,800/- (Rupees Twenty Three Thousand Eight Hundred only) to Rs.25, 200/- (Rupees Twenty Five Thousand Two Hundred only) and to pay the arrears together with the interest of 9% per annum including the retirement benefits and pay the revised pension regularly without any delay.

For Petitioner : Mr.D.Selvanayagam

For R1 to R3 : Mr.Aayiram K.Selvakumar

Additional Government Pleader

For R4

: Mr.P.Gunasekaran

**ORDER**

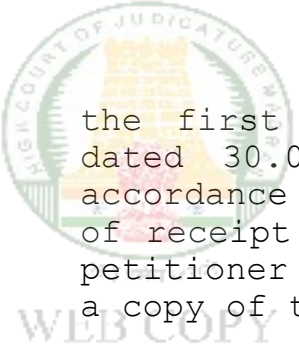
This writ petition has been filed seeking direction to the respondents to revise and re-fix the petitioner's scale of pay in the post of Deputy Superintendent of Police (DSP) Category-I notionally with effect from 01.07.2008, stepping up of pay at Rs.23,800/- to Rs.25,200/- and to pay the arrears together with the interest at the rate of 9% per annum including the retirement benefits and pay the revised pension regularly without any delay.

2.The learned counsel appearing for the petitioner submitted that the petitioner has made a request dated 09.07.2015 to the second respondent to rectify the pay anomaly on par with his batchmates, pursuant to which, the second respondent passed an order dated 10.12.2016, rectifying the petitioner's pay anomaly. Thereafter, the third respondent, by the proceedings dated 12.05.2017, re-fixed the pay of the petitioner with retrospective effect and the petitioner has also received the arrears of pay anomaly. The learned counsel further submitted that the third respondent, by the proceedings dated 22.10.2018, cancelled the proceedings dated 12.05.2017 with regard to pay anomaly and passed an order of recovery, on the ground that the petitioner's name was in the temporary panel of Inspector of Police, fit for appointment by recruitment by transfer of Deputy Superintendent of Police (DSP) (Category - I) for the year 2007 - 2008, which was approved by the Government, but yet to be regularised.

3.The learned counsel also submitted that disbursement of gratuity and commutation of pension to the batchmates of the petitioner are higher side when comparing to the petitioner. Likewise, pension of the petitioner was fixed at Rs.44,850/-, which is also lesser than the amount fixed to the batchmates of the petitioner. Further it is submitted that though the petitioner was allowed to retire on 31.05.2018, the retirement benefits were settled only on 20.01.2019, after a lapse of seven months, even without any payment of interest. Therefore, the petitioner made a representation dated 30.01.2019 to the third respondent, seeking re-fixation of pay anomaly on par with his batchmates. Since the same has not been considered till date, this writ petition has been filed.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the Director General of Police, Chennai has requested the Government to clarify whether any subsequent instructions have been issued by the Government regarding rectification of pay anomaly in respect of those whose names have been included in the temporary panels and reply is awaited from the Government.

5.Considering the facts and circumstances of the case and also considering the submissions made on either side, this Court, without expressing any opinion on the merits of the matter, directs



the first respondent to consider the petitioner's representation dated 30.01.2019 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. It is needless to say that the petitioner shall submit a copy of the said representation along with a copy of this order to the first and second respondents.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
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Chennai - 600 009.
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 - 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District,
Surveyor Colony,
Madurai - 625 007.
- +1 CC to SPL GP SR-68468.
+1 CC to M/s.D.SELVANAYAGAM, Advocate SR-68437.
+1 CC to Mr.P.GUNASEKARAN, Advocate SR-68570.

W.P(MD)No.7371 of 2019
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CS: (21/06/2019) 3P 7C