

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition Nos.6831, 6832 and 6833 of 2013

and

MP Nos.1, 1 and 1 of 2013

|                 |                                       |
|-----------------|---------------------------------------|
| A.Jabar Hussain | ... Petitioner in W.P.No.6831 of 2013 |
| M.K.Velayudhan  | ... Petitioner in W.P.No.6832 of 2013 |
| V.Janarthanan   | ... Petitioner in W.P.No.6833 of 2013 |

vs.

1. The Union of India,  
rep. by its Secretary,  
Ministry of Home Affairs,  
New Delhi.
2. The Directorate General/President,  
CRPF Employees Educational Society,  
Central Reserve Police Force,  
Lodhi Road,  
New Delhi - 110 003.
3. The Inspector General of Police/Chairman,  
CRPF Employees Educational Society,  
Central Reserve Police Force,  
Southern Sector,  
Hyderabad.
4. The Deputy Inspector General of Police/Manager,  
CRPF Employees Educational Society,  
Central Reserve Police Force,  
Avadi,  
Chennai 600 065. ... Respondents in all W.Ps.

W.P.No.6831 of 2013 filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the arrears of the benefits of Central Pay Commission for the period from 01.01.2006 to 31.12.2010 as Rs.2,30,675/- and pass orders on the representation of the Petitioner, dated 08.02.2012.

W.P.No.6832 of 2013 filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the arrears of the benefits of Central Pay Commission for the period from 01.01.2006 to 31.12.2010 as Rs.2,27,669/- and pass orders on the representation of the Petitioner, dated 08.02.2012.

W.P.No.6833 of 2013 filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to pay the arrears of the benefits of Central Pay Commission for the period from 01.01.2006 to 31.12.2010 as Rs.2,45,043/- and pass orders on the representation of the Petitioner, dated 08.02.2012.

For Petitioner in all W.Ps. : Mr.A.S.Mujibur Rahman  
For Respondents in all W.Ps. : Mr.K.Gunasekar,  
Sr. Panel Counsel  
for Central Government

#### COMMON ORDER

Petitioners have come up with the above Writ Petitions seeking a direction to the Respondents to pay the arrears of benefits of the Central Pay Commission for the period from 01.01.2006 to 31.12.2010 and pass orders on their representation, dated 08.02.2012.

2. As the issue involved in all these Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

3. The Petitioner in W.P.No.6831 of 2013 was appointed as Junior Training Officer (MMV Instructor) in the CRPF Integrated Technical Institute, Avadi, Chennai with effect from 10.07.1997. The Petitioner in W.P.No.6832 of 2013 was appointed as Upper Division Clerk in the CRPF Integrated Technical Institute, Avadi, Chennai with effect from 18.11.1991. The Petitioner in W.P.No.6833 of 2013 was appointed as Store Keeper in the CRPF Integrated Technical Institute, Avadi, Chennai with effect from 01.05.2010.

4. It is stated by the Petitioners that, the 6<sup>th</sup> Central Pay Commission Scale of Pay was brought into effect from 01.01.2006. But, it was not implemented by the 4<sup>th</sup> Respondent with effect from 01.01.2006. The 4<sup>th</sup> Respondent effected the recommendation of the 6<sup>th</sup> Central Pay Commission only with effect from 01.01.2011 and that, arrears from 01.01.2006 to 31.12.2010 were denied to the teaching and non-teaching staff of the 4<sup>th</sup> Respondent. In respect of their grievance, Petitioners sent a detailed representation to the 2<sup>nd</sup> Respondent on 08.02.2012. However, the same has not been considered by the 2<sup>nd</sup> Respondent till date.

5. Learned counsel for the Petitioner contended that, though the 2<sup>nd</sup> Respondent has stated that, the Petitioners are not entitled to arrears from 01.01.2006 to 31.12.2010, no valid reason has been assigned for denial of benefits to the Petitioners.

6. On the other hand, learned Senior Central Government Panel Counsel appearing for the Respondents, with reference to paragraph 4 of the counter Affidavit, submitted that, the teaching and non-teaching staff of ITI CRPF are paid salary on par with Tamil Nadu Government ITI employees and not on par with Central Government employees, as alleged by the Petitioners. He further submitted that, the Institute is running in huge loss for many years from the beginning and only based on the decision of the General Body Meeting held in 2009-2010, it was decided to grant parity with effect from 01.01.2011.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. On a reading of paragraph 4 of the counter Affidavit, it is clear that, the 2<sup>nd</sup> Respondent has taken a decision to grant pay revision as per the 6<sup>th</sup> Central Pay Commission only with effect from 01.01.2011, as per paragraph 3(b) of the Minutes of the General Body Meeting held on 16.12.2010 in the office of the Directorate General of CRPF, New Delhi. It is seen that, the Minutes were circulated to the Respondents herein vide order No.E.I-1/2011-12-Wel-Edu-145, dated 03.05.2012.

9. Thus, when a decision has been taken in a General Body Meeting in consultation with the Central Government, this Court cannot interfere with the same and direct the Authorities to consider the claim of the Petitioners herein. In respect of their grievance, Petitioners ought to have challenged only the communication of the Minutes of the General Body Meeting held in New Delhi.

10. In view of the foregoing, these Writ Petitions are dismissed as not maintainable. However, liberty is granted to the Petitioners to work out their remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

-sd-

Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

To:

1. The Secretary,  
Union of India,  
Ministry of Home Affairs,  
New Delhi.
2. The Directorate General/President,  
CRPF Employees Educational Society,  
Central Reserve Police Force,  
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4. The Deputy Inspector General of Police/Manager,  
CRPF Employees Educational Society,  
Central Reserve Police Force,  
Avadi, Chennai 600 065.

+ 1 C.C. to M/S.MUJIBUR RAHUMAN, Advocate SR.NO. 36890

W.P. Nos.6831, 6832 & 6833 of 2013

VP (CO)

RRI 23/12/2020