



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.12689 of 2017
and
W.M.P (MD) No.9799 of 2017

V.S.Nair

... Petitioner

vs.

- 1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force,
CGO Complex,
Lodhi Road,
New Delhi-110 003.
- 3.The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Near War Memorial,
Chennai-600 009.
- 4.The Deputy Inspector General
Central Industrial Security Force,
DOS Head Quarters,
Bangalore.
- 5.The Deputy Commandant,
Central Industrial Security Force Unit,
IPRC, Mahendragiri,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order passed by the fifth respondent dated 13.05.2017 in his order No.E-38017/CISF/IPRC/Doc/Corrs/17-1011 and quash the same and to direct the respondents to revise the pay scale from 2004 and pay the arrears by implementing the order of the Hon'ble High Court, Kerala

<https://hcservices.ecourts.gov.in/hcservices/>



in O.P.No.21032 of 2002 dated 12.11.2008.

For Petitioner : Mr.K.Vadivelu

For Respondents : Mr.G.Rajaraman

Central Government Standing Counsel

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ORDER

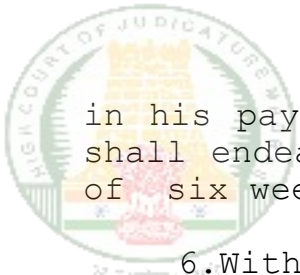
The grievance of the petitioner is that there are some anomaly in fixation of basic pay of him and in connection with the same, he has challenged the Office Memorandum dated 13.05.2017.

2.The brief facts of the case is that, while the petitioner was appointed on 11.10.1983, his junior, namely Mr.M.Chandran Pillai, SI/Exe, was appointed on 14.10.1983. However, the petitioner's scale of pay was revised only on 01.10.1986 whereas the petitioner's junior's scale of pay was revised on 01.02.1986. In view of the same, there arose an anomaly between the basic pay of the petitioner and his junior, owing to which, the petitioner claimed parity of his scale of pay, on par with his junior. In the impugned office memorandum dated 13.05.2017, the fifth respondent had indicated that, in case the petitioner intends to get the benefit of basic pay on par with Mr.M.Chandran Pillai, SI/Exe, he is required to submit an application to the fourth respondent herein namely, the Deputy Inspector General, Central Industrial Security Force, DOS Head Quarters, Bangalore.

3.The learned counsel for the petitioner would submit that since the petitioner was serving under the Deputy Commandant, Central Industrial Security Force, IPRC, Mahendragiri, Thirunelveli, he had given a representation on 19.04.2017 to his Deputy Commandant, which has been kept in abeyance by concerned Deputy Inspector General, Central Industrial Security Force, till date. In the mean while, the petitioner had retired from his services, on 30.11.2017.

4.Today, when the matter was called, the learned Central Government Standing Counsel appearing for the respondents, on instructions, would submit that the anomaly in the pay scale of the petitioner and Mr.M.Chandran Pillai, SI/Exe, would be considered positively provided an application is made to the fourth respondent herein. In view of the said submission made, the petitioner may not have any further grievance, if a direction is issued to the fourth respondent to consider his grievances.

5.In the light of the above observations, the submissions made by the respondents are hereby recorded. Consequently, the petitioner is granted liberty to make a fresh representation to the fourth respondent herein, seeking for rectification of the anomaly



in his pay scale and on receipt of the same, the fourth respondent shall endeavour to pass appropriate orders, atleast within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-110 003.
3. The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Near War Memorial, Chennai-600 009.
4. The Deputy Inspector General
Central Industrial Security Force,
DOS Head Quarters, Bangalore.
5. The Deputy Commandant,
Central Industrial Security Force Unit,
IPRC, Mahendragiri,
Thirunelveli District.

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-6220[F] dated 13/02/2020)
+1 CC to M/s.MAHAMED IBRAHIM ALI, Advocate (SR-6380[F] dated
14/02/2020)

Order made in
W.P.(MD) No.12689 of 2017
Dated: 13.02.2020