

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2652 of 2021

C.Sankar

...Petitioner

Vs

1. The Director General
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
2. The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation
India Limited (NLCIL)
Cuddalore - 607 802.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to pass an order on the representation of the petitioner, dated 25.03.2020 and further direct the 1st respondent to re-fix the petitioner pay fixation at Rs.7,510/- with Grade Pay Rs.2,400/- at par with similarly categorized batch mates from the effect of 6th Central Pay Commission (01.01.2006) with all monetary benefits of arrears.

For Petitioner : Mr.R.Thiyagarajan
For Respondents : Mr.K.Subramaniya Bharathi,

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to pass an order on the representation of the petitioner, dated 25.03.2020 and for a consequential direction to the 1st respondent to re-fix the pay of the petitioner at Rs.7,510/- with Grade Pay Rs.2,400/- at par with similarly categorized employees as per the 6th Central Pay Commission (01.01.2006) with all monetary benefits of arrears.

2. Mr.K.Subramaniya Bharathi, learned Standing counsel takes notice for respondents. By consent of both sides, final orders are passed in the writ petition.

3. It is the case of the petitioner that the petitioner was initially appointed in the rank of Head Constable / Driver in the pay scale of Rs.3200-85-4900 in CISF in the year 2001 and subsequently promoted to next level. It is the grievance of the petitioner that the basic pay of the petitioner has not been re-fixed as per the 6th Central Pay Commission (01.01.2006), at par with the similarly categorized employees who are getting Basic Pay of Rs.7,500/- with Grade Pay Rs.2,400/-. It is stated that the petitioner is availing Basic pay of Rs.6,750/- instead of Rs.7,510/. Hence, he made a representation before the 1st respondent on 25.03.2020, requesting to re-fix the basic pay in the light of the Order passed by the High Court of Delhi, made in W.P.No.10660 of 2016 dated 30.11.2018. As there is no steps taken by the 1st respondent, the petitioner preferred this present writ petition with the aforesaid relief.

4. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the 1st respondent to consider the representation of the petitioner dated 25.03.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 25.03.2020 and this order, to the 1st respondent forthwith. The respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

vum

To:

1. The Director General
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
2. The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation
India Limited (NLCIL)
Cuddalore - 607 802.

+1cc to Mr.R.Thiyagarajan, Advocate, SR.NO.7416

W.P.No.2652 of 2021

SMI (CO)
KKV/10/03/2021

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