

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7983 of 2014

R.Pasupathy

... Petitioner

Vs.

1. The State of Tamilnadu
Represented by the Home Secretary,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.

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

3. The Commissioner of Police,
Chennai City,
Chennai - 600 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay salary arrears for the period from 01.09.97 to 31.05.99 and from 01.06.1999 to 05.09.2000, D.S.P.Salary from 1997 to 2005, salary for Addition Superintendent of Police, Incremental and selection grade pay from 1979 to 2008 and pension benefits part of G.P.F. amount with interest at the rate of 12% and to pay an adequate compensation for his mental stress and monetary loss caused due to the victimization.

For Petitioner : Mr.R.Thanjan
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to pay salary arrears and compensation.

2.The case of the petitioner is that he was appointed as Sub Inspector of Police during the year 1970 and was promoted as Inspector of Police during the year 1979 and retired as Additional Superintendent of Police. He made representation dated 26.11.2013 to the respondents seeking salary arrears for the period from 01.09.1997 to 31.05.1999 and from 01.06.1999 to 05.09.2000, D.S.P.Salary from 1997 to 2005, salary for Additional Superintendent of Police, Incremental and Selection Grade pay from 1979 to 2008, pension benefits and part of G.P.F. amount, however, the same has not yet been considered. Hence, this writ petition.

3.The respondents have filed a counter affidavit, wherein it is stated that the petitioner has exhausted all his eligible leave and hence he cannot claim any pay for the period of leave without pay; the period of desertion has been regulated as leave without pay and hence he cannot claim any pay for the period of leave without pay; he has been paid pay fixation arrears in the rank of DSP; pay in the rank of Additional Superintendent of Police was fixed vide order dated 15.05.2006 and arrears was drawn and paid to him; increments have been granted in the appropriate ranks correctly and pay and allowances were paid to him; he was paid provisional pension till receipt of authorization of pensionary benefits and that the entire balance amount accumulated in his GPF account was drawn and paid to him.

4.Though reasons have been stated in the counter affidavit denying the claims made by the petitioner, till date, no order has been passed by the respondents to that extent. Hence, this Court directs the respondents to pass appropriate orders on merits, touching each and every aspect in the petitioner's representation dated 26.11.2013, within a period of eight weeks from the date of receipt of a copy of this order. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

PRI

To

1. The Home Secretary,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.
 2. The Director General of Police,
Mylapore,
Chennai - 600 004.
 3. The Commissioner of Police,
Chennai City,
Chennai - 600 008.
- +lcc to Mr.R.Thanjan, Advocate, S.R.No.19640
+lcc to the Government Pleader, S.R.No.19941

W.P.No.7983 of 2014

RLD(CO)
TE (28/04/2021)