

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.2713 & 2714 of 2014

S.M.Arjunan .. Petitioner in WP.No.2713 of 2014
S.Chandra Bose .. Petitioner in WP.No.2714 of 2014

Vs

1. State of Tamil Nadu,
Rep.by its Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.
3. The Superintendent of Police,
Cuddalore District,
Cuddalore. Respondents in both WPs

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to fix the basic pay of the petitioners on par with the basic pay fixed for the police personals transferred from the Tamil Nadu Special Police Establishment to the Coimbatore City Police by stepping up the basic pay of the petitioners herein.

For Petitioners : Mr.V.Ramajegadeesan in both Wps

For Respondents : Mr.S.Thangavel, Spl.GP in both WPs

COMMON ORDER

The prayer made in these writ petitions is to issue a mandamus directing the respondents herein to fix the basic pay of the petitioners on par with the basic pay fixed for the police personnel transferred from the Tamil Nadu Special Police Establishment to the Coimbatore City Police by stepping up the basic pay of the petitioners herein.

2. According to the petitioners, they were enlisted in the police department on 12.01.1980 and 15.05.1980 respectively, as Grade II Constables and were later, promoted as Grade I Constables on 26.02.1995 and thereafter, as Head Constables with effect from 10.05.2000. It is the grievance of the petitioners that one Eswaran and 34 others, who were recruited in the year 1981 as Grade II Constable, Category III in Tamil Nadu Special Police Establishment and were transferred to Taluk police on request as Grade II police constables in the year 1993, were promoted as Grade I Constables in the year 1998 and became Head Constables on 16.09.2000. However, their basic pay was fixed as Rs.5,800/- per month, whereas the basic pay of the petitioners was Rs.4,800/- per month. Hence, the petitioners made representations dated 20.01.2014 to the respondents to step up their scale of pay on par with their juniors. Finding no response on the said representations, the petitioners are before this Court with the present writ petitions.

3. The third respondent has filed a separate counter affidavit pointing out that the petitioners' claim cannot be considered with that of the other employees. For better appreciation, paragraphs 5 & 6 of the said counter affidavit read as follows:-

"5. In this regard, it is submitted that the case of Eswaran and others were different. They were recruited in Tamilnadu Special Police Battalion as Gr.II PC and they were promoted to the posts of Naik and H.C. In Tamilnadu Special Police Battalion, While the petitioner was serving in Armed Reserve as Gr.II.PC till 1993. While Tr.Eswaran was transferred to A.R. in the year 1993 he was still enjoying higher pay than this petitioner. Though the Tamilnadu Special Police Personnel were relieved on transfer to District A.Rs on foregoing their seniority and they entered as Gr.II PCs, pay protection was given to them, so that they may not draw a lesser pay than that was already drawn.

6. In this regard, after much litigations in the matter the Government have passed orders in G.O. (Ms)No.637 Home (Pol.IX) Department, dated 03.08.2009. It was ordered that the directions issued in memo C.No.133827/P.A.I(1)/02 dated 27.07.1982 to fix the pay of such Police Personnel at the appropriate place taking into account the pay last drawn in Tamilnadu Special Police Battalion and the difference to be given as pay protection to such Police Personnel transferred to District A.R. from Tamilnadu Special Police Battalions be approved as a special case. It was also instructed that Police Constable of Tamilnadu Special Police coming to

local agreeing to serve in a lower category of the Gr.II Police Constable in A.R. shall be paid only a salary be fitting the lower ranking in future. As such the method of pay fixation followed in the case of the Personnel by Tamilnadu Special Police Battalion hither to, has been approved by the Government. This measure was taken by the Government as one time concession, extended to these personnel who joined Tamilnadu Special Police long before the introduction of single point entry system in the Department, when there were separate recruits for Tamil Special Police Battalions and A.R. in Districts."

It is further stated therein that by judgment of this Court dated 02.07.2013 in WA.Nos.398 and 399 of 2013, similar request of one B.Radhakrishnan and K.Padmaraj relating to stepping up their pay on par with Eswaran vide order of the Commissioner of Police, Coimbatore City in C.P.O.No.1545 / 2011 dated 01.10.2011, was cancelled and refixed in C.P.O.No.1275 / 2013 dated 24.09.2013.

4.However, today, when the matters were taken up for consideration, the learned Special Government Pleader appearing for the respondents fairly submitted that the respondents would consider the representations of the petitioners and pass orders, on merits, within a reasonable time to be fixed by this Court.

5.In view of the aforesaid submission made by the learned Special Government Pleader appearing for the respondents, this Court directs the respondents to consider the representations of the petitioners dated 20.01.2014 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, both these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 600 009.

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

3. The Superintendent of Police,
Cuddalore District,
Cuddalore.

+1cc to Government Pleader SR.No.888

W.P.Nos.2713 & 2714 of 2014

SR II(CO)
GMY(02/07/2021)



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