



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.8758 and 8759 of 2016

U.Rajini Premnath Raja .. Petitioner in W.P.(MD).No.8758/2016

A.Sundarajan .. Petitioner in W.P.(MD).No.8759/ 2016

Vs

1.The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai - 600 003.

2.The Divisional Security Commissioner,
Railway Protection Force,
Southern Railway,
Trichy Division, Trichy. .. Respondents in both writ petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide annual increment to the petitioners due on 01.07.2006 with retrospective effect from the said date and accordingly, grant consequential revision in the basic pay and pay arrears of salary in the revised pay with accrued and attendant benefits in the light of the petitioners' representations dated 14.07.2015 and 16.04.2016 respectively.

In both writ petitions:

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.S.Manohar
Standing Counsel

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself. Since the issue involved in these writ petitions are one and the same, these writ petitions are disposed of by way of common order.



The prayer sought for in the present writ petitions are for a direction to the respondents to provide annual increment to the petitioners due on 01.07.2006 with retrospective effect from the said date and accordingly, grant consequential revision in the basic pay and pay arrears of salary in the revised pay with accrued and attendant benefits in the light of the petitioners' representations dated 14.07.2015 and 16.04.2016 respectively.

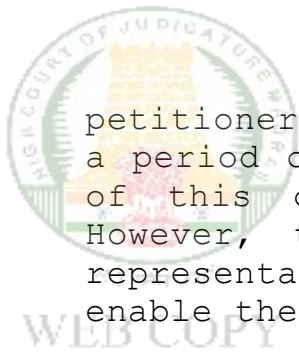
2. The case of the petitioners is that the petitioners are appointed as Constables in the Railway Protection Force/Southern Railway in the year 2005 with basic pay of Rs.3,050/- in the pay band Rs.3050-4590. After implementation of the 6th CPC, the petitioners' pay was revised and refixed at Rs.5880/- in the pay band of Rs.5200-20200. Thereafter, since the juniors appointed to the same post were receiving higher pay, the petitioners' pay was stepped up and refixed at Rs.6460/- with effect from 27.03.2006 in the pay band of Rs.5200-20200. In such circumstances, the petitioners' annual increment should have been given with effect from 01.07.2006 and pay has to be fixed at Rs.6720/-. But the anomaly of omission of annual increment in July 2006 is continued till date and accordingly, the petitioners are receiving lower basic pay than their juniors, ie., as on today, the petitioners are receiving basic pay of Rs.9090/- whereas they should have received Rs.9420/- which is being received by several of their juniors. Hence, the petitioners sent representations dated 14.07.2015 and 16.04.2016 respectively, to the respondents to rectify the defect and for revision of basic pay and annual increment with retrospective effect from 01.07.2006. So far, no action has been taken on the said representations. Hence, the petitioners approached this Court with the above said prayer.

3. The learned counsel for the petitioners would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioners dated 16.04.2016, within a reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents has no serious objections to consider the request of the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Standing counsel appearing for the respondents and perused the materials placed on record.

6. Considering the limited request made by the petitioners and without going to the merits of the case, I am inclined to issue a direction to the respondents to consider the representation of the petitioners within a stipulated time. Accordingly, the respondents are directed to consider the representation of the



petitioners, dated 16.04.2016 and pass appropriate orders, within a period of twelve(12) weeks, from the date of receipt of a copy of this order, if there is no legal impediments to do so. However, the petitioners are directed to send a copy of the representation dated 16.04.2016 along with a copy of this order to enable the respondents to consider their representation.

7. With the above directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai - 600 003.

2.The Divisional Security Commissioner,
Railway Protection Force,
Southern Railway,
Trichy Division, Trichy.

+2 CC to MR.N.DILIP KUMAR, Advocate (SR-6645,6644[F] dated 23/02/2021)

+2 CC to MR.S.MANOHAR, Advocate (SR-7090,7091[F] dated 25/02/2021)

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KM (25.03.2021) 3P 7C