

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 37183 OF 2021

Between:

1. Mekala Sahadev, S/o. Kashaiah, Aged about 72 years, Occ. Retd. Sub-Inspector of Police(PC 279), DOR 28.02.2008, R/o Vinayaknagar, Nizamabad Town and Dist.
2. Syed Hasham, S/o Syed Moulana, Aged about 68 years, Occ. Retd. Sub-Inspector of Police(PC254), DOR 31.07.2011, R/o Ellamma Gutta, Nizamabad Town and Dist.
3. Guduru Agamappa, S/o. Sangappa, Aged about 68 years, Occ. Retd. Asst. Sub-Inspector of Police(355), DOR 31.07.2011 R/o Anil Talkies Road, Bodhan, Nizamabad Dist.
4. Mohd Ibrahim, S/o Noor Mohammed, Aged about 68 years, Occ. Retd. Sub-Inspector of Police(PC959), DOR 30.09.2011, R/o Hashmi Colony, Nizamabad Town and Dist.
5. B.Radha Kishan, S/o B.Narayana, Aged about 69 years, Occ. Retd. Sub-Inspector of Police(PC668), DOR 31.03.2010 R/o Lakshmi Priya Nagar, Mubaraknagar, Nizamabad Town and Dist.
6. M.Balaiah, S/o. Vittobha, Aged about 68 years, Occ. Retd. Asst. Sub-Inspector of Police(PC653), DOR 30.04.2011 R/o Vinayaknagar, Nizamabad Town and Dist.
7. Chowdekari Sangaiah, S/o. Ch.Veerappa, Aged about 69 years, Occ. Retd. Sub-Inspector of Police(PC436), DOR 31.08.2010, R/o Gouthamnagar, Nizamabad Town and Dist.
8. A.Bhaskar, S/o. Venkataswamy, Aged about 70 years, Occ. Retd. Sub-Inspector of Police(PC828), DOR 30.06.2008, R/o Gajulapet, Boigally Dargha, Nizamabad Town and Dist.
9. Gurram Galalah, S/o. Balaiah, Aged about 70 years, Occ. Retd. Head Constable No. 905, DOR 31.08.2003, R/o Suryanagar, Nizamabad Town and Dist.
10. P.Ramulu, S/o Lingaiah, Aged about 70 years, Occ. Retd. Sub-Inspector of Police(PC795), DOR 30.11.2010, R/o Sainagar Road No.1, Nizamabad Town and Dist.
11. Md.Azmiruddin, S/o. Shanooruddin, Aged about 68 years, Occ. Retd. Asst. Sub-Inspector of Police(554), DOR 31.01.2009, R/o Upparapally, Sirgapur, Medak Dist.
12. Mohd.Hamza, S/o. Waheeduddin, Aged about 69 years, Occ. Retd. Sub-Inspector of Police(PC 184), DOR 31.07.2009, R/o Chandrashekhar Colony, Nizamabad Town and Dist.
13. B.Sayanna, S/o Chandraiah, Aged about 70 years, Occ. Retd. Sub-Inspector of Police(PC 268), DOR 30.04.2011, R/o presently H.No. 9-3-70, Karimnagar.
14. J.Anand Rao, S/o. Rama Rao, Aged about 66 years, Occ. Retd. Asst. Sub-Inspector of Police(PC 772), DOR 31.05.2013. R/o Kodurpaka Village, Sircilla Mandal, Karimnagar Dist. presently R/o 6-197, Gajula Ramaram, Quthbullapur, Medchal Dist.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Police Department, Secretariat, Hyderabad.
2. The Director General, and Inspector General of Police, Telangana State, Saifabad, Hyderabad.
3. The Deputy Inspector, General of Police, Hyderabad Range, Hyderabad.
4. The Commissioner of Police, (Then Superintendent of Police) Nizamabad, Nizamabad Dist.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased

to issue a writ, order or direction more in the nature of writ of Mandamus declaring the inaction of the respondents in not extending the benefits of GOMS No. 280 Home Police-D Department dt.13/12/2001 as illegal and discriminatory despite issuing RC No. 258/E2/2019 dt.20/11/2019 for preparing a list of the eligible police personal without taking any further action as illegal and consequently direct the respondents to extend the benefits of increments of constables appointed upto the year 1975 treating the period from inservice training to declaration of the probation as on-duty and consequently revise the pension and pensionary benefits of the petitioners and grant arrears that may arise in the recalculation and pay the same at least in their final stage of lives.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to pass orders on the memo given by the 2nd respondent to the unit officers in RC No. 258/E2/2019 dt.20/11/2019 at an early date as otherwise the petitioners would be put to irreparable loss and grave suffering.

Counsel for the Petitioners: SRI K. ANANTHA RAO

Counsel for the Respondents: SPECIAL GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37183 of 2021

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

This writ petition is filed seeking the following relief:

"..... to issue a writ, order or direction more in the nature of writ of Mandamus declaring the inaction of the respondents in extending the benefits of G.O.Ms.No.280 Home Police-D Department dt.13/12/2001 as illegal and discriminatory despite issuing Rc.No.258/E2/2019 dt. 20/11/2019 for preparing a list of the eligible police personnel without taking any further action as illegal and consequently direct the respondents to extend the benefits of increments of constables appointed upto the year 1975 treating the period from inservice training to declaration of the probation as on duty and consequently revise the pension and pensionary benefits of the petitioners and grant arrears that may arise in the recalculation and pay the same at least in their final stage of lives.....".

Heard Sri K.Anantha Rao, learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

It has been contended by the petitioners that they are all retired Sub-Inspector of Police. The grievance of the petitioners is that though were all recruited during the years 1969 to 1974, the respondents are not extending the increments while they were on

training and not extending the regular pay scale attached to the post of Constable.

Learned counsel appearing for the petitioners had contended that the petitioners have submitted a detailed representation to the respondents on 03.11.2019 requesting to extend the increments and other service benefits for the service rendered during the training period. The 2nd respondent has called for the remarks from the Unit Officers vide proceedings dated 20.11.2019. But, so far, no further action has been taken on the said representation.

Therefore, learned counsel appearing for the petitioners had contended that appropriate orders be passed in the writ petition directing the 2nd respondent to consider the case of the petitioners and pass appropriate orders in accordance with law.

Learned Special Government Pleader appearing for the respondents had contended that the 2nd respondent is examining the request of the petitioners and he has called for a report from the Unit Officers vide proceedings dated 20.11.2019. Let the petitioners submit a fresh representation to the 2nd respondent, the 2nd respondent would examine the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation to the 2nd respondent seeking increments and other service benefits for the training period when they were initially appointed, within a

period of two weeks from the date of receipt of a copy of this order. Upon such a representation being received, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law, within a reasonable period of time, preferably within a period of three months thereafter.

With the above directions, the writ petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

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SD/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Home Police Department, State of Telangana, Secretariat, Hyderabad.
2. The Director General, and Inspector General of Police, Telangana State, Saifabad, Hyderabad.
3. The Deputy Inspector, General of Police, Hyderabad Range, Hyderabad.
4. The Commissioner of Police, (Then Superintendant of Police) Nizamabad, Nizamabad Dist.
5. One CC to Sri K Anantha Rao, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad.
- [OUT]
7. Two CD Copies
8. One Spare Copy

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NPJ



HIGH COURT

DATED:31/12/2021

ORDER

WP.No.37183 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

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28/1/22