



WEB COPY

W.P.No. 35965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 35965 of 2016

S. Vallinayagam

... Petitioner

Vs.

1. Union of India,
Represented by its Secretary to the Government,
Department of Home Affairs, New Delhi.
2. The Director General,
CISF Head Quarters,
No. 13, C.G.O. Complex,
Lodhi Road, New Delhi – 110 003.
3. The Inspector General
CISF Head Quarters South Sector
Chennai Port Trust Campus
Near War Memorial Chennai – 600 009.
4. The Deputy Inspector General
CISF Head Quarters South Zone
NLC, Neyveli.
5. The Assistant Commandant,
Central Industrial Security Force Unit,
Vishakapattinam Port Trust,
Vishakapattinam.

... Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to correct the increment for October 2005 and the increment left out to be carried from 2005 to 2007 -Rs.85 + D.A. Per Month and 2008 to December 2015-Rs.285/- D.A. Per month and from Jan 2016 to till date Rs. 1050/- D.A. Per month and pay the arrears and to pay all monetary benefits and other service benefits.

For Petitioner : Mr. A.S. Mujibur Rahman
For Respondents : Dr. D. Simon
CGSC for R1 to R5

ORDER

The very same writ petitioner filed in W.P.No. 30829 of 2014, challenging the punishment of reduction of pay by two stages in the pay band I for a period of two years with cumulative effect. The said writ petition challenging the punishment was dismissed by this Court on 19.07.2022.

2. The present writ petition is filed by the very same writ petitioner, Mr. S. Vallinayagam, for a direction to direct the respondents to correct the increment for October 2005 and the increment left out to be carried from 2005 to 2007 -Rs.85 + D.A. Per Month and 2008 to December 2015-Rs.285/- D.A. Per month and from Jan 2016 to till date Rs. 1050/- D.A. Per month and pay the arrears and to pay all monetary benefits and other service benefits.

3. Since the order of punishment of reduction of pay by two stages in



the pay band I for a period of two years with cumulative effect was confirmed by this Court, the question of correcting the increment would not arise at all.

The increment due to the writ petitioner was not granted on account of the punishment imposed and thus the relief as sought for in the present writ petition deserves no merit consideration and if at all any other error is traced out in the matter of fixation of pay, after implementing the punishment, the petitioner is at liberty to approach the competent authorities by explaining the error, if any and in such an event, the authorities may look into the correctness of fixation and take appropriate decision on merits and in accordance with law. The writ petition stands disposed of. No costs.

01.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

S.M.SUBRAMANIAM, J.

mrn



To

1. The Secretary to the Government,
Department of Home Affairs, New Delhi.
Union of India.

2. The Director General,
CISF Head Quarters,
No. 13, C.G.O. Complex,
Lodhi Road, New Delhi – 110 003.

3. The Inspector General
CISF Head Quarters South Sector
Chennai Port Trust Campus
Near War Memorial Chennai – 600 009.

4. The Deputy Inspector General
CISF Head Quarters South Zone
NLC, Neyveli.

5. The Assistant Commandant,
Central Industrial Security Force Unit,
Vishakapattinam Port Trust,
Vishakappattinam.

W.P.No. 35965 of 2016

01.11.2022