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W.P.No.14595 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14595 of 2018

C.Patchaimal (SSI 10048)

...Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Chennai City,
Chennai.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give the arrears of monetary benefits from the date of Special Sub Inspector of Police promotion as per Honourable Court Order on par with the petitioner's batch-mates on the basis of the petitioner's representation dated 09.2.2018 through proper channel.



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For Petitioner : Mr.S.Anbazhagan
For M/s.A.Rajaram

For R1 & R2 : Mr.S.Rajesh
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to give the arrears of monetary benefits from the date of Special Sub Inspector of Police promotion as per Honourable Court Order on par with the petitioner's batch-mates on the basis of the petitioner's representation dated 09.2.2018 through proper channel.

2. The petitioner was appointed as Grade-II Police Constable on 17.11.1988. He was promoted as Grade-I Police Constable and Head Constable subsequently. The petitioner states that there was an administrative delay in granting promotion to the post of Grade-I Police Constable and Head Constable. Thereafter, the petitioner was promoted as Special Sub Inspector of Police on 02.03.2017 as per the orders of the Court dated 08.01.2016.



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3. The grievances of the writ petitioner is that his Batch mate one Mr.V.Samy, who also secured orders from this Court in W.P.No.331 of 2011 was granted promotion pursuant to the subsequent order passed by the Hon'ble Division Bench of this Court in W.A.No.1506 of 2011. The second respondent implemented the order dated 17.06.2013 passed in W.A.No.1506 of 2011 in proceedings dated 07.02.2014. Thus, the said benefit is also to be extended to the writ petitioner as he is also similarly placed and the petitioner submitted a representation in this regard, which was not considered.

4. The learned Government Advocate appearing on behalf of the respondents made a submission that the pay of the writ petitioner was revised on the effect from 17.11.1988 vide proceedings dated 09.06.2017, issued by the Joint Commissioner of Police, North Zone, Chennai – 8. In this regard, necessary proposals were submitted to the Pay and Accounts Office at Saidapet. Therefore, the grievances of the writ petitioner will be redressed at the earliest possible.



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5. It is relevant to extract the contentions in this regard, which is stated in the counter affidavit as follows:

“12. With regard to Para-9 Grounds (d) is submitted that the contents of the petitioner is not correct. It is stated that the representations submitted by the petitioner to 1st and 2nd respondents were considered. As per the orders of Hon'ble High Court, Madras order in W.P.No.659 of 2016, dated 08.01.2016 and Government Letter No.59541/Pol.VI/17, Home dated 21.01.2016 it has been instructed to relaxing the adhoc rules that the petitioner and others who come under the category of “Educationally not qualified” who were belated upgraded to the ranks Gr.I/HC/SSI on par with their batch mates notionally without any monetary benefits, as per ruling 17 under FR-27 if they are otherwise eligible. Accordingly, the petitioner was promoted and upgraded as Grade I Police Constable with effect from 17.11.1988 and as Head Constable with effect from 17.11.2003 and as Special Sub-Inspector of Police with effect from 01.12.2013 vide in CPO No.720/2017 in Rc.No.Estt 3(1)/UP/3/2576/2017 dated 15.03.2017. Accordingly the petitioner's pay has been revised with effect from 17.11.1988 vide Joint Commissioner of Police, North Zone, Chennai – 8 ordered in NZO.No.353/2017 in



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C.No.225/PF(NZ)/6079/2017 dated 09.06.2017 and getting his pay accordingly.”

6. The learned Government Advocate appearing on behalf of the respondents further furnished the copy of the letter dated 11.10.2022, sent by the Joint Commissioner of Police, North Zone, Chennai - 21 to the Pay and Accounts Officer, Saidapet. Necessary actions were solicited from the Pay and Accounts Officer with reference to the revision of pay granted by the office of the Joint Commissioner of Police.

7. Thus, the respondents are directed to expedite the issue and redress the grievances of the writ petitioner without any undue delay.

8. With this direction, the writ petition stands disposed of. No costs.

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Index : Yes
Speaking order: Yes
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S.M.SUBRAMANIAM, J.

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