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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.1962 OF 2014

AND

M.P.NO.1 OF 2014

N.Krishnaiah

... Petitioner

.Vs.

1. The Union of India,
Represented by its
Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi.
3. The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Near War Memorial,
Chennai - 600 009.
4. The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Block-D, I Floor,
Rajaji Bhavan, Besant Nagar,
Chennai - 600 090.
5. The Group Commandant,
Central Industrial Security Force,
South Zone, Block-D, I Floor,
Rajaji Bhavan, Besant Nagar,
Chennai - 600 090.
6. The Deputy Commandant,
Central Industrial Security Force Unit,
VTPP, Vallur, Chavadi,
Ponneri Taluk,
Thiruvallur District.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to refund the sum of Rs.3,901/- recovered from the arrears of V Pay Commission recommendation and to fix the basic pay as Rs.4,135/- from 1997 and to pay the arrears to the petitioner with one increment i.e. Rs.13,200/- instead of Rs.12,650/- with Grade Pay of Rs.4,200/-.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.K.S.Jeyaganeshan
Central Government
Standing Counsel

O R D E R

The relief sought for in the present writ petition is to direct the respondents to refund the sum of Rs.3,901/- recovered from the arrears of V Pay Commission recommendation and to fix the basic pay as Rs.4,135/- from 1997 and to pay the arrears to the petitioner with one increment i.e. Rs.13,200/- instead of Rs.12,650/- with Grade Pay of Rs.4,200/-.

2. The petitioner is a constable in Central Industrial Security Force. He was promoted as Lance Nayak in the year 1987 and subsequently, promoted as Nayak. The petitioner was further promoted to the post of Head Constable. The grievance of the petitioner is that while implementing the V Pay Commission recommendation, the respondents have recovered the arrears, which was already paid to the petitioner. Admittedly, the revision of pay was effected from 1997 and recovery was also made during the relevant period of time. This writ petition has been filed in the year 2014 i.e. 17.01.2014 after a lapse of about 17 years from the date of cause of action.

3. The learned Central Government Standing Counsel appearing on behalf of the respondents made a submission that consequent upon re-fixation of pay as per amendment order dated 11.12.1997 issued, a sum of Rs.3,901/- towards excess/over payment made by mistake was recovered from the petitioner. Thus, the amount mistakenly disbursed in favour of the petitioner was recovered in accordance with the rules and there is no infirmity as such.

4. Beyond on merits, the petitioner has approached this Court belatedly after a lapse of 17 years and further, the respondents have clarified that the amount mistakenly credited



in favour of the petitioner alone was recovered and his pay is fixed in accordance with the pay rules in force and the said fixation was also verified by the authorities. This being the factum, the relief as such sought for in the present writ petition deserves no merit consideration at this length of time.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Union of India,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
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6. The Deputy Commandant,
Central Industrial Security Force Unit,
VTPP, Vallur,
Chavadi, Ponneri Taluk,
Thiruvallur District.

+1cc to Mr.A.S.Mujibur Rahman, Advocate, S.R.No.33483

+1cc to Mr.K.S.Jeyaganeshan, Advocate, S.R.No.33895

WRIT PETITION NO.1962 OF 2014

SSI (CO)
PBS/22/06/2022