



W.P.(MD) Nos.6901 to 6904&6910 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) Nos.6901 to 6904 and 6910 of 2020

K.Balasubramanian ... Petitioner
in W.P.No.6901/2020

Arumugam ... Petitioner
in W.P.No.6902/2020

C.Arul Christopher ... Petitioner in
W.P.No.6903/2020

Krishnan ... Petitioner in
W.P.No.6904/2020

Pandidurai ... Petitioner in
W.P.No.6910/2020

-VS-

1.The Government of Tamil Nadu
Rep. By its Secretary to Home Department
Fort St. George, Chennai 600 009.

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

... Respondents in
all W.Ps.



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3.The Superintendent of Police,
Tenkasi District
Tenkasi.

... Respondents in all
W.Ps. Except WP No.6903/2020

3.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

... Respondent in W.P.No.
6903/2020

Prayer in W.P.No.6901/2020:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in e.f.vz.;vz;1/35353/2019 dated 26.03.2020 and quash the same and consequently direct the respondents to revise and regularise the basic pay as per the one A.Muthiah's (Rtd SSI 2549) implementation order C.No.A1/48497/2019 D.O.No.207/2020 dated 18.02.2020.

Prayer in W.P.No.6902/2020:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in e.f.vz.;vz;1/38610/2019 dated 06.03.2020 and quash the same and consequently direct the respondents to revise and regularise the basic pay as per the one A.Muthiah's (Rtd SSI 2549) implementation order C.No.A1/48497/2019 D.O.No.207/2020 dated 13.02.2020.

Prayer in W.P.No.6903/2020:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified



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Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in Rc.No.13363/NGB.III(2)/2019 dated 28.06.2019 and quash the same and consequently direct the respondents 2 and 3 to revise and regularise the service seniority and give the notional promotion with monetary benefits to the petitioner as per the respondent's implementation order in D.O.No.326/2015, C.No.A2/58801/2014 dated 26.03.2015 and C.No.A1/12265/2013 R.O.O.No.141/2015 date 27.03.2015 within the stipulated time fixed by this Court.

Prayer in W.P.No.6904/2020:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in e.f.vz.;vz;1/36244/2019 dated 06.03.2020 and quash the same and consequently direct the respondents to revise and regularise the basix pay as per the one A.Muthiah's (Rtd SSI 2549) implementation order C.No.A1/48497/2019 D.O.No.207/2020 dated 13.02.2020.

Prayer in W.P.No.6910/2020:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in e.f.vz.;vz;1/35354/2019 dated 06.03.2020 and quash the same and consequently direct the respondents to revise and regularise the basic pay as per the one A.Muthiah's (Rtd SSI 2549) implementation



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order C.No.A1/48497/2019 D.O.No.207/2020 dated 18.02.2020.

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For Petitioner : Mr.A.Rajaram (in all W.Ps)
For Respondents : Mr.S.P.Maharajan (in all W.Ps)
Special Government Pleader

COMMON ORDER

The issue arises in these writ petitions is one and the same and hence, they were heard together and disposed of by this common order.

2.These writ petitions were filed challenging the order of the respondents dated 06.03.2020 and for a consequential direction to the respondents to revise the pay / basic pay on par with the junior, viz., Muthiah.

3. The case of the petitioners is that the petitioners were appointed in the respondent Department as Grade II Police Constable. At the time of their appointment, during the year 1981, they have not passed SSLC and served more than 37 years in the department. However, their grievance is that though they worked in the department and retired on attaining the age of superannuation, their basic pay varied to that of their junior, viz.,



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Srinivasaraghavan and hence, they made representations to the respondents to rectify the pay anomaly. However, the impugned orders have been passed stating that for the persons, who have not passed SSLC, a G.O.Ms.No.859 has been issued on 11.09.1986 and as per the said G.O., they have not been entitled for the pay anomaly to that of their junior. Challenging the said order, the present writ petitions have been filed.

4. The learned counsel for the petitioner submitted that the qualification to the post of Grade II Police Constable is either SSLC pass or fail. Since the petitioners were recruited in the year 1981, they have the necessary qualification of SSLC and subsequent to the petitioners, one Srinivasaraghavan was appointed in the very same capacity as Grade II Police Constable. However, he is receiving more pay than the petitioners and as per Rule, the petitioners' pay have to be stepped up on par with their junior and hence, prayed for considering their case.

5. The learned Special Government Pleader, by relying upon the counter affidavit, would submit that the junior viz., Srinivasaraghavan was



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appointed as Grade II Police Constable on 17.01.1986 and at the time of his appointment, he passed SSLC and hence, two advance increments were sanctioned as per G.O.Ms.No.1247 dated 27.05.1987. Accordingly, the subsequent pay and increments have been granted and thus, since the petitioners and the said Srinivasaraghavan were holding different qualifications, their pay scale was accordingly varied, which led to the filing of the writ petitions. There was neither wrong fixation nor grant of annual increments. The pay of the seniors, viz., the petitioners herein was less than that of their junior because of their lesser qualification and there is no default and hence, no interference is warranted.

6. The facts in the present cases are not in dispute. Initially the petitioners were appointed as Grade II Police Constable and they retired in the year 2018. However, their junior, viz., Srinivasaraghavan was getting more pay than that of the petitioners. To rectify the same, the petitioners made representations and the respondents passed the order impugned.

7. The issue in this case is with regard to the junior getting more pay than that of the petitioners, who are seniors. It is to be noted that the



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petitioners are SSLC failed candidates. However, their junior is SSLC passed candidate and hence, after his appointment, two increments were granted. Accordingly, as per the pay commission and stepping up of pay, the petitioners were paid Rs.52,500/- at the time of retirement. In the year 2019, the junior was getting Rs.55700/-, which was higher than the petitioners. When the junior was granted two increments according to his educational qualification, the petitioners were lagging the two increments compared to their juniors, which is not to be find fault with. Therefore, according to the pay revision, subsequent increments and stepping up of pay, the petitioners' pay were accordingly hiked, likewise, the pay of their junior was also increased. Therefore, the pay was fixed with regard to their qualification alone and there is neither default nor deviation and hence, no interference is warranted to the order impugned. It is also to be noted that without having necessary qualification, seeking the relief on par with junior and filing a writ petition, after a lapse of two decades to remove the pay anomaly is untenable.

8. Moreover, when it is the policy decision of the Government in fixing the pay and granting two increments for those who have completed



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SSLC qualification, it is not for the petitioners to turn around and contend that they should be considered on par with their junior, viz., Srinivasaraghavan is not sustainable. Therefore, there is no illegality or infirmity in the order passed by the respondents. Accordingly, the writ petitions fail and the same are dismissed. No costs.

12.12.2022

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To

1.The Secretary to Home Department
Fort St. George, Chennai 600 009.

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

3.The Superintendent of Police,
Tenkasi District
Tenkasi.



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M.DHANDAPANI, J.

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