



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7884 of 2019

and

W.M.P. (MD) .No.6239 of 2019

WEB COPY

C.Madasamy

... Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai-4.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Palayamkottai.

3.The Superintendent of Police,
Thoothukudi District,
Collectorate Complex,
Thoothukudi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the impugned order pertaining to the impugned Letter C.No.D5/34927/2018 D.O.1126/2018 dated 31.10.2018 issued by the third respondent and quash the same consequently direct the respondents to sanctioned increment for the retrospective dates of promotion in Grade-I Police Constable and Head Constable posts and also release 20% Death cum retirement gratuity withheld by the respondent with 12% interest.

For Petitioner : Mr.A.Gandiappan

For Respondent : Mr.N.Satheesh Kumar

Additional Government Pleader

O R D E R

The regulation of pay ordered by the Superintendent of Police in proceedings dated 31.10.2018 is under challenge in the present Writ Petition.

2. As per the Rules, an appeal remedy is contemplated and therefore, the petitioner has to exhaust the appeal remedy. Regarding the fixation of pay, the correctness or otherwise is to be verified with reference to the fundamental Rules. High Court need not conduct such original adjudication in writ proceedings as the Competent Authorities fixed the pay of the petitioner, based on the Rules. The correctness is to be verified by the Appellate Authority.

However, the petitioner has challenged the order passed by the



Original Authority namely Superintendent of Police. The verification of service records of the petitioner is necessary for the purpose of fixation of pay. Service records are to be verified and the application for fundamental rules are to be done. The people working in Establishment in the Head Section may be the persons, who are well-versed with such fixation and the High Court may not be in a position to conduct such original adjudication.

3. Therefore, this Court is of the opinion that the appeal remedy contemplated under the Rules is to be exhausted. Exhausting the Appellate remedy is of paramount importance. Whenever pay fixation matters are placed, the adjudication of the Appellate Authority is also relevant and therefore, the petitioner is at liberty to file an appeal before the Competent Appellate Authority and in the event of receiving any appeal from the petitioner, the Appellate Authority/second respondent, shall consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

4. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Director General of Police,
Mylapore, Chennai-4.
- 2.The Deputy Inspector General of Police,
Tirunelveli Range,
Palayamkottai.
- 3.The Superintendent of Police,
Thoothukudi District,
Collectorate Complex,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-8391[F] dated 24/02/2022)

W.P.(MD) No.7884 of 2019

23.02.2022

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