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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3410 of 2023

S.Sakthivel

Petitioner

vs.

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

2.The Inspector General of Police,
North Zone Guindy,
Chennai.

3.The Superintendent of Police,
Thiruvannamalai District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents refix the pay scale from the date of regularization of service from 01.11.1995 (in the select list of 92-93) on par with his batch mates from the date of his appointment as Grand II PC on 01.03.2002 and refix scale of pay from the Gr I PC. From 01.11.2005 and Head Constable from 24.01.2009 and award all consequent monetary benefits.

For Petitioners : Mr.M.S.Soundararajan

For Respondents : Mr.RU.Dinesh Rajkumar
Additional Government Pleader



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ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 19.12.2022, wherein, the petitioner has sought for refixation of the pay scale from the date of his regularization in service from 01.11.1995, on par with his batch mates and for other consequential monetary benefits.

2.Heard Mr.M.S.Soundararajan, learned counsel appearing on behalf of the petitioner and Mr.RU.Dinesh Rajkumar, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he participated in the selection to the post of Police Constable for the year 1992-93. The petitioner was informed on 22.04.1993 that he was found unfit during medical examination on account of defective vision. The petitioner therefore, approached this Court by filing W.P.No.11324 of 1993 seeking for a direction for conducting the second medical examination. The writ petition was disposed of by an order dated 24.02.2000 and the petitioner was directed to undergo the second medical examination.



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4. Pursuant to the above order, the petitioner appeared before the Medical Board and it was found that the petitioner is not suffering from any defective vision. Based on the same, the TNUSRB through proceedings dated 17.04.2001 included the name of the petitioner in the provisional selection list of the Police Constable pertaining to 1992-93 selection. The petitioner was also sent for training in the year 2002.

5. The petitioner was thereafter promoted as Grade-I Constable in the year 2010 and as a Head Constable in the year 2014. The grievance of the petitioner is that the respondents have included his name in the seniority list of 2002, which was the year on which the appointment was given to the petitioner.

6. In view of the above, the petitioner made a representation for re-fixation of the seniority effective from 1992-93. The representation made by the petitioner did not evoke any response and once again the petitioner filed a writ petition before this Court in W.P.No.37680 of 2016 and this Court disposed of the writ petition by directing the respondents to consider the representation. Pursuant to the same, the services of the petitioner was regularized from 01.11.1995 as per the orders passed by the 1st respondent and the seniority was



also revised both in the post of Grade I Police Constable as well as in the post of Head Constable. The name of the petitioner was also included in the panel for promotion to the post of Sub Inspector of Police for the year 2017. Subsequently, the petitioner was also promoted as a Sub Inspector on 30.05.2017 and he was posted at Thiruvannamalai.

7.The grievance of the petitioner continued, since the pay of the petitioner was not refixed on par with his batch mates, who were appointed in the year 1995. Therefore, the petitioner was making repeated representations in this regard. On one such occasion, the 3rd respondent through proceedings dated 13.12.2019 informed the petitioner that he is only entitled for regularization from the year 1995 and he will not be entitled for any refixation of pay.

8.According to the petitioner, the decision with regard to the refixation of pay must be taken only by the 1st respondent and the representations made by the petitioner did not evoke any response. In view of the same, the petitioner was constrained to file the present writ petition.

9.Taking into consideration the limited relief sought for in the present writ petition and without going into the merits of the case, there shall be a



direction to the 1st respondent to consider the representation made by the petitioner on 19.12.2022 on its own merits and in accordance with law and a decision shall be taken, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.

10.This writ petition is disposed of with the above direction. No Costs.

08.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

- 1.The Director General of Police,
Chennai – 600 004.
- 2.The Inspector General of Police,
North Zone Guindy,
Chennai.
- 3.The Superintendent of Police,
Thiruvannamalai District.



WEB COPY



6

N. ANAND VENKATESH, J.

SSR

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