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W.P.No.8059 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.8059 of 2015

K.Jayabalan

... Petitioner

Vs.

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

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 7.

3. The Joint Commissioner of Police(South Zone),
St. Thomas Mount,
Chennai 16.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to review the pay fixation order Rc.No.460/36674/PF/SZ/2012, S.Z.O.854/2012 dated 8.12.2012 issued by the Joint Commissioner of Police, South Zone the 3rd respondent herein and fix the pay on par with the petitioner's batch mates and immediate juniors from the date of 19.11.2007 and consequently pay the terminal benefits including arrears.



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For Petitioner : No Appearance
For Respondents : Mr.C.Sangamithirai,
Special Government Pleader

ORDER

This writ petition is filed seeking to review a pay fixation order dated 08.12.2012, of the petitioner, in Rc.No.460/36674/PF/SZ/2012, S.Z.O.854/2012, and to fix the same on par with the petitioner's batch mates and immediate juniors from the date of 19.11.2007.

2. No representation on behalf of the petitioner. Learned counsel representing the respondents are present. Today, this matter is listed under the caption “For Orders” and even then, the petitioner failed to make representation.

3. The facts of the case in brief as per the affidavit filed by the petitioner are that the petitioner was appointed as Grade-II Police Constable in the respondent Police Department on 17.03.1979. In the year 1996, he was promoted to the post of Grade-I Constable and on



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23.11.1999, he was promoted to the post of Head Constable. He was further promoted to the post of Sub Inspector of Police on 16.03.2010 and later he retired from service on 30.3.2013.

4. Petitioner's pay was fixed in the cadre of Sub-Inspector of Police on 08.12.2012 which was lesser than his batch mates. The Grade Pay of the petitioner was fixed at the rate of Rs.2,800/-, whereas his batch mates' Grade Pay was fixed at Rs.4,800/-. The benefits that were extended to his juniors and batch mates, were not extended to him.

5. It is further stated in his affidavit that a charge memo was issued by the Assistant Commissioner of Police in his favour which is extracted as under:

“His highly reprehensible misconduct and misbehaviour involved in civil dispute by personally being available at the time of breaking open the gate and erecting a shed who managed to get copies of the original documents in the name of Sharmiladevi and helped Veeramani in getting an order from Civil Court by influencing the court No. where in the court order the Survey Number of Tmt. Sharmiladevi 246/32 was mentioned and instead



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the court order contains S.No.246/23. Despite this discrepancy the said Veeramani encroach the site with the able guidance and assistance of you. The neighbouring occupants of disputed site in Plot No. 4, S.No.246/32, Sangam Colony, Kottivakkam show that you used to visit this place quite often and you was actually associated yourself in person at the time of breaking open of the lock of the gate and also the time of erecting hand pump.”

6. The petitioner has challenged the said charge memo in W.P.No.5681 of 2008. Subsequently the charge memo was withdrawn and accordingly, the Writ Petition No.5681 of 2008 was disposed off on 21.02.2013, but the pay fixation was not corrected and was still irregular.

7. The petitioner has made representations before the Joint Commissioner of Police (South Zone) on 24.04.2013, 09.12.2013 and 28.05.2014 for fixation of the Pay for the petitioner by correcting the anomaly but there was no response. In the meanwhile the petitioner was allowed to retire on 30.03.2013. Finally the petitioner made one more representation dated 08.12.2012 for proper fixation of his pay in the cadre of Sub Inspector of Police Constable.



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8. Learned counsel for the respondents had filed a detailed counter in which they had submitted that considering the representations of the petitioner that he has been drawing lesser pay than his juniors, the respondents examined the issue and ordered for revised pay fixation vide proceeding Rc.No.85/7445/Pay/S/2013 (D.O.No.203/2013) dated 22.03.2013. As there were some discrepancies in the said pay fixation, it was cancelled on 22.04.2015. However, subsequently a thorough examination of pay fixation, in respect of the petitioner, was made and after rectifying the defects, fresh pay fixation orders were issued in this Office order Rc.No.203/10300/Pay/(s)/2015 (D.O.No.202/2015) dated 22.04.2015.

9. Since the anomaly which the petitioner had sought for has already been cleared subsequent of filing of the writ petition, and also the difference of amount has already been credited to the account of the petitioner, the cause of filing this writ petition does not survive any more. Perhaps, for the same reason, the petitioner is not intending to prosecute this case.



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WEB COPY 10. Considering the submissions made by the learned counsel for the respondents and on perusal of the record and the document enclosed, this writ petition stands **disposed off** as no further orders are required since the relief as such sought for by the writ petitioner has already provided. No costs.

07.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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Dr.D.NAGARJUN. J.,

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