



WEB COPY



W.P.No.27668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27668 of 2023
and
W.M.P.No.27140 of 2023

K.Samidurai

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Building,
No.132, EVK Sampath Road,
Vepery, Chennai – 600 007.

2.The Deputy Commissioner of Police,
St. Thomas Mount,
Chennai – 600 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records pertaining to Order passed in RC. No. Pen-I/ 41/ COP/ 10284/ 2016 dated 14.07.2021 by the respondent No.1 herein and consequently direct the respondent No.1 herein to disburse the arrear amount within a time frame fixed by this Court.

For Petitioner : M/s.Bhavani B.Mohan

For R1 and R2 : Mr.M.Alagu Gowtham
Government Advocate



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ORDER

This writ petition has been filed challenging the order of the 1st respondent, dated 14.07.2021, rejecting the request of the petitioner to fix his Scale of Pay as Sub-Inspector of Police with effect from 01.01.2013.

2.It is the case of the petitioner that he was promoted as Sub-Inspector of Police on 01.01.2013, however, he was not sanctioned an increment and he was not paid the pay in the rank of Sub-Inspector of Police for the period from 01.01.2013 to 30.04.2016. It is the grievance of the petitioner he had been receiving only the Scale of Pay as Head Constable. His pension also in the same grade after his retirement on 30.04.2016. Therefore, the petitioner submitted a representation to the respondents to fix his Pay in the rank of Sub-Inspector of Police by granting an increment while promoting him to the said post. However, the 1st respondent, by the impugned order dated 14.07.2021, has rejected the request of the petitioner. Challenging the same, the present writ petition has been filed.



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3. Heard the learned counsel for the petitioner and Mr.M.Alagu

Gowtham, learned Government Advocate, who takes notice for the respondents 1 and 2.

4. It is relevant to note that, when the petitioner was conferred with the status of Special Sub-Inspector of Police, he was given one increment invoking Rule 22(b) of Fundamental Rules. This view was reiterated by the Government in its letter bearing No.29366/Pol.3/2019-6, Home (Pol-3) Department, dated 24.02.2021. Since the post of Special Sub-Inspector of Police is an upgradation from the post of Head Constable, while upgrading the petitioner to the post of Special Sub-Inspector of Police, one increment has been given as per the Fundamental Rules. Therefore, when the petitioner was thereafter absorbed as a regular Sub-Inspector of Police, one more increment cannot be granted. In such increment is allowed as interpreted by the petitioner, it will lead to double benefit to the petitioner in the same post. In such view of the matter, I do not find any merit in this writ petition.



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5. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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