



W.P.Nos.29512,29515 and 29521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.Nos.29512,29515 and 29521 of 2023

1.K.Kuppusamy	...	Petitioner in W.P.No.29512 of 2023
2. M.Elumalai	...	Petitioner in W.P.No.29515 of 2023
3.P.Viswanathan	...	Petitioner in W.P.No.29521 of 2023

Vs.

1. The Secretary to the Government
Home (Police 4) Department
Fort St.George, Chennai-9

2.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore,Chennai-9

3.The Superintendent of Police
Villupuram District, Villupuram

4.The Accountant General (A&E)
Teynampet, Chennai-18

5.The District Collector
Villupuram District, Villupuram

... Respondents in all cases.

Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider and pass orders on the representation made by the petitioners dated 21.03.2023 and 25.03.2023, for grant of two increments based on the FR 22 (b) fundamental rule and based on the Government Order issued in G.O.Ms.No.13 Home (Police) V Department dated 06.01.2010 wherein



the petitioners upgradation was advanced in the post of Grade I Police Constable as well as Head Constable also fix the scale of pay as Rs.55,700/- and draw and disburse arrears of salary and pension within reasonable time.

For Petitioners : Mr.K.Venkata Ramani, Senior Counsel
for
Mr.M.Muthappan

For Respondents : Mr.M.Bindran, AGP

COMMON ORDER

The Writ Petitions have been filed for an issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the representation made by the petitioners dated 21.03.2023, 21.03.2023 and 25.03.2023, for grant of two increments based on the FR 22 (b) fundamental rule and based on the Government Order issued in G.O.Ms.No.13 Home (Police) V Department dated 06.01.2010 wherein the petitioners upgradation was advanced in the post of Grade I Police Constable as well as Head Constable also fix the scale of pay as Rs.55,700/- and draw and disburse arrears of salary and pension within reasonable time.

2. With consent on either side, the main Writ Petitions itself are taken up for final disposal at the admission stage.

3. The brief facts of the case is that the petitioners joined the services as Grade II



Police Constable in the Armed Reserve Police on 25.10.1984, 25.10.1984 and 01.08.1984 respectively. The petitioners were upgraded as Grade I Police Constable on 22.07.1997 and 14.08.1997 respectively. On completion of 25 years of service the petitioners were upgraded as Special Sub Inspector of Police on 01.08.2010. After serving for more than 32 years of service the petitioner in W.P.No.29512 of 2023 gave voluntary retirement on 30.04.2017. The petitioner in W.P.No.29515 of 2023 superannuated on 30.09.2018 and the petitioner in W.P.No.29521 of 2018 superannuated on 31.03.2018. During their superannuation the petitioners were earning a salary of Rs.51,000/-, 54,100/- and Rs.52,500/- as Sub Inspector of Police. The petitioners in W.P.No.29512 and 29521 of 2023 are entitled to get Rs.54,100/- as salary and the petitioner in W.P.No.21515 of 2023 is entitled to get Rs.55,700/- as basic pay.

4. The grievance of the petitioners is that they have not been granted pay in accordance with G.O.Ms.No.13 dated 06.01.2010. The learned Senior counsel further contended that the juniors who were appointed after the petitioners have got higher scale pay. The petitioners have made several representation to the Superintendent of Police, Villupuram seeking to revise their scale of pay. Unless their scale of pay is not revised they will not be able to get the pay benefits which they are entitled to. Hence, these Writ petitions.



WEB COPY

5. Learned Senior counsel appearing for the petitioners would further submit that a direction may be given to the respondents to consider the representation made by the individual petitioners and a direction may be issued to grant two increments based on the FR 22 (b) Fundamental Rule and based on the Government Order issued in G.O.Ms.No.13 Home (Police) V Department dated 06.01.2010.

6. Mr.M.Bindran, learned Additional Government Pleader, takes notice for the respondents 1 to 5 and submits that if a period of sixteen (16) weeks time is granted, the respondents would consider the representation of the petitioners and pass appropriate orders.

7. Considering the submission of the learned Senior counsel for the petitioners, without going into the merits of the case, the respondents are directed to consider the representation of the each of the petitioners dated 21.03.2023, 21.03.2023 and 25.03.2023 based on the FR 22 (b) Fundamental Rule and based on the Government Order issued in G.O.Ms.No.13 Home (Police) V Department dated 06.01.2010 and pass appropriate orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of copy of this order.



W.P.Nos.29512,29515 and 2951

With the above directions, these Writ Petitions are disposed of. No costs.

WEB COPY

12.10.2023

Index:Yes/No;
Internet:Yes/No
Speaking / Nonspeaking order
kpr
To

1. The Secretary to the Government
Home (Police 4) Department
Fort St.George, Chennai-9

2.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore,Chennai-9

3.The Superintendent of Police
Villupuram District, Villupuram

4.The Accountant General (A&E)
Teynampet, Chennai-18

5.The District Collector
Villupuram District, Villupuram



WEB COPY



W.P.Nos.29512,29515 and 29521 of 2023

V.BHAVANI SUBBAROYAN J.
kpr

W.P.Nos.29512,29515 and 29521 of 2023

12.10.2023