



W.P(MD)No.23023 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.10.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23023 of 2023

R.Veeraganesan

... Petitioner

Vs.

1.xxxxx

2.The Superintendent of Police,
District Police Office,
Sivagangai District.

... Respondents

(R1 is removed vide Court order, dated 21.09.2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to fix equal basic pay which is identical to that of the similarly placed persons in the same department, along with arrears with effect from 14.05.2009 i.e., from the date of upgradation as Head Constable in consonance with the principle of equal pay for equal work, based on the representation of the petitioner dated 30.01.2023, within the time frame fixed by this Court.

For Petitioner : Mr.S.Ramanathan

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

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The present writ petition has been filed by a Special Sub Inspector of Police seeking a Mandamus directing the 2nd respondent to fix equal basic pay which is identical to that of similarly placed persons in the same department with effect from 14.05.2009 on the basis of his representation, dated 30.01.2023.

2. According to the petitioner, he was appointed as Grade II Police Constable on 09.06.1993 and promoted as Grade I Constable on 05.09.2006. The petitioner was appointed as Head Constable on 14.05.2009 and later, promoted as Special Sub Inspector of Police on 22.07.2019.

3. During his tenure as a Grade I Constable, a charge memo was issued to the petitioner and he suffered an order of punishment on 24.09.2004 wherein the increments were stopped for a period of 6 months without cumulative effect.

4. In view of the said order of punishment imposed upon the petitioner, there was a delay in the petitioner being promoted as a Head



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Constable. The batchmates of the petitioner were promoted as Head Constable on 09.06.2008, whereas the petitioner was promoted only on 14.05.2009. Hence, the petitioner has sent a representation on 31.01.2023 requesting the 2nd respondent to consider his pay anomaly and fix the basic pay on par with his other batchmates. Since the said request was not considered, this writ petition has been filed.

5. The learned Additional Government Pleader appearing for the respondent had brought to the notice of the Court that based upon his representation, dated 30.01.2023, the respondent has already passed an order on 01.02.2023 rejecting his request citing the imposition of punishment and unauthorized leave on loss of pay. Therefore, it is clear that the request made by the petitioner by his representation, dated 30.01.2023 has already been answered in negative by the respondent herein. It is for the petitioner to challenge the said order, if he is so advised. Since the request of the writ petitioner has already been rejected by the authorities concerned, the Court cannot issue a Mandamus directing the authorities to fix equal basic pay. The petitioner is at liberty to challenge the order, dated 01.02.2023, if he is so advised.



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6. With the above said observations, this Writ Petition stands disposed of. No costs.

18.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

The Superintendent of Police,
District Police Office,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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Order made in
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