



WEB COPY



W.P.No.10499 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.10499 of 2011

T.Sankara Narayana Pillai

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by the Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.
- 2.The Registrar General,
High Court of Madras,
Chennai – 600 104.
- 3.The Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.

(R3 impleaded as per Court order
dated 03.09.2018 in W.M.P.No.24461 of 2018
in W.P.No.10499 of 2011)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records of the first respondent in Letter No.23010/Cts-I/2009-2, dated 08.03.2011 and quash the same and consequently direct the respondents to accept the fixation of pay of the petitioner by the Chief Judicial Magistrate, Villupuram in his



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proceedings A1.No.178/2005, dated 04.12.2008 awarding I & II ACPs. And fix further pay on promotion under FR 22(1)(a)(i) r/w 22-B with option to have fixation in the promoted post on 01.07.1998 (the date of accrual of next increment) with all other consequential attendant benefits like interest for delay, etc., within the time stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar
for Mr.M.Sri Ram

For R1 : Mrs.P.Rajarajeswari
Government Advocate

For R2 : Mr.E.K.Kumaresan

For R3 : Mr.V.Vijay Shankar

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ petition has been filed questioning the rejection order dated 08.03.2011 passed by the Deputy Secretary to Government, Home (Courts.I) Department.

2. The order impugned states that the fixation of pay of the writ petitioner is correct. Therefore, question of rectifying the pay anomaly would not arise at all.

3. As far as the relief sought for in the writ petition to fix the pay of the writ petitioner as per the Judicial Pay Commission, it has been complied



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with. Regarding the revision of pay with regard to Accelerated Career Progression (ACP) from the date of implementation of Judicial pay commission, is to be re-considered and re-visited.

4. Mr.L.Chandrakumar learned Counsel for the petitioner would submit that revised pay fixed on promotion taking into consideration of ACP has not been fixed properly in the case of the writ petitioner. Thus, the petitioner is constrained to move the present writ petition.

5. The Hon'ble Division Bench of this Court on earlier occasion disposed of the writ petition with a direction to revise the pay in accordance with FR 22(1)(a)(i) read with 22-B, which was found to be erroneous by the Hon'ble Supreme Court of India and the matter was remanded back.

6. Learned Counsel for the respondents would oppose by stating that the revision of pay fixation was done in accordance with the Pay Rules in force and there is no infirmity.

7. However, the said decision is disputed. In order to resolve the issue and considering the fact that the petitioner is a senior citizen, we direct



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the respondents to verify the correctness of the pay fixation done in the case of the petitioner with reference to the Judicial Pay Commission. It is made clear that the revision of pay done in the case of the petitioner on promotion with reference to ACP is to be verified to ascertain the correctness of the fixation made. If any discrepancy or error has been identified, the same is to be rectified by following the procedures. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

[K.R.S.J.]

[S.M.S.J.]

22.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1.The Government of Tamil Nadu,

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