



W.P.No.3376 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3376 of 2022

N.Kalaiselvan

...Petitioner

-Vs-

1. The Director General of Police,
Directorate of Tamil Nadu Police,
Mylapore, Chennai – 4.

2. The Commissioner of Police,
Chennai City Police,
Egmore, Chennai – 8.

3. The Deputy Commissioner of Police,
Armed Reserve,
Chennai City Police,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction the petitioner's arrears of pay and allowances for an amount of Rs.20,47,910/- for the period between 29.01.2000 to 28.01.2009, considering his representation dated 02.02.2021, which is pending with the first respondent.

For Petitioner : Mr.A.Jagadeesh Chandra Bose
For Respondents : Dr.T.Seenivasan
Special Government Pleader



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ORDER

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The writ petition has been for directions to direct the respondents to sanction the petitioner's arrears of pay and allowances for an amount of Rs.20,47,910/- for the period between 29.01.2000 to 28.01.2009, considering his representation dated 02.02.2021, which is pending with the first respondent.

2. The petitioner was serving as Head constable and he retired from service on 31.04.2019. While he was in service at the Armed Reserve-I, he was imposed with the punishment of reduction in pay by two stages for two years without cumulative effect. The charge was that he was not attended duty from 16.08.1999 to 09.09.1999. Thereafter once again he was charge sheeted and imposed punishment of removal from service. It was challenged before this Court in W.P.No.1093 of 2007 and the same was allowed by setting aside the order of removal by an order dated 28.03.2008.

3. In pursuant to the order passed by this Court, the petitioner was reinstated into service with effect from 29.01.2009. As per the order



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passed by this Court, the period from 16.08.1999 to 09.09.1999 and out of employment period from 28.02.2000 to 28.01.2009 were treated as earned leave and duty period respectively. Thereafter, the petitioner's pay was also fixed as per G.O.Ms.No.234 dated 21.01.2014. However, the order of punishment awarded was not given effect, the monetary value equivalent to the punishment of reduction in pay by two stages for two years without cumulative effect was ordered to be recovered from the petitioner. Therefore, The amount to be recovered was calculated at Rs.5424/- and after deducting the same, an amount of Rs.4,50,000/- was credited in his account as arrears of pay and allowances as against the pending arrears of Rs.24,97,910/-. Therefore, the petitioner sought for direction to pay the balance amount of Rs.20,47,910/-.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the counter affidavit filed by the second respondent revealed that the petitioner has been paid SPF-I, Rs.39,345/-, SPF-II Rs.29,978/- DCRG Rs.8,24,928/-, TLS Rs.6,36,630/- and



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commutation Rs.7,70,970/-. The petitioner has already been paid pay arrears of Rs.4,79,019/- for the period from 04/1999 to 03/2006 on 28.10.2020. Pay arrears for the period from 04/2006 to 28.01.2009 worked out Rs.4,55,732/- is to be paid. Pay fixation arrears worked out to Rs.2,23,241/- is also to be paid. The bills have been prepared and kept ready for presenting in the Pay and Account Office, South shortly. The bills will be encashed and paid to the petitioner through ECS shortly.

6. Considering the above facts and circumstances, the second respondent is directed to disburse the arrears of salary to the tune of Rs.4,55,732/- for the period from 4th month of 1999 to 28.01.2009 and pay fixation arrears to the tune of Rs.2,23,241/- to the petitioner, within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.

03.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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