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W.P.No. 7844 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7844 of 2024

Rahul Kumar

....

Petitioner

Vs

1. Union of India, rep. by its Secretary,
Government of India, Ministry of Defence,
Room No.101, South Block,
New Delhi – 110 011.

2. Union of India, rep. by its Secretary,
Government of India, Ministry of Finance,
Room No.134, North Block,
New Delhi – 110 011.

3. The Controller General of Defense Accounts,
Ulan Batar Road, Palam,
Delhi Cantt – 110 010.

4. The Director General of the Coast Guard,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi – 110 001.

5. The Commander,
Coast Guard Region (East)
Rajaji Salai, Near Napier Bridge,
Chennai – 600 009.



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6. The Assistant Controller of Defence Account
Coast Guard Pay and Account Office,
4th Floor Coast Guard OTM Complex,
'C' Block Phase 2 Industrial Area Sector 62,
Noida – 201 309.

7. The Controller of Defence Account (N/CG),
Wing-6, West Block-V, RK Puram,
New Delhi – 110 066.

8. The Commanding Officer,
Coast Guard District No.16 (Tut.),
Harbour Estate, Tuticorin – 628 004.

..... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to pass orders on the representation of the petitioner dated 24.02.2024, to disburse the arrears for Yantrik Pay as per 6th Pay Commission and also the 7th Pay Commission, in the light of the order passed in W.P.No.17038 of 2020 dated 08.07.2022 within a stipulated time frame.

For Petitioner : Mr.S.Kishore Kumar
For Respondents : Mr.V.Chandrasekar
Special Panel Counsel

ORDER

This Writ Petition has been filed for a direction directing the respondents to pass orders on the representation submitted by the petitioner seeking disbursal of the arrears for Yantrik Pay as per 6th Pay Commission and also the 7th Pay Commission.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was initially appointed as Yantrik in the Indian Coast Guard on 26.07.2011. Thereafter, he was promoted as Uttam Yantrik on 01.07.2014 and as Pradhan Yantrik on 01.07.2016. There was a disparity of pay between Coast Guard and other Central Government employees having a diploma in engineering as a qualification. Therefore, the second respondent had recommended for Yantrik pay at the rate of Rs.800/- along with basic pay. However, it was not implemented and the third respondent denied the recommendation on the ground that it may not be counted for all purposes, which is against the recommendation of the fact track committee.

4. One of the retired Coast Guard approached this Court in W.P.No.17038 of 2020 for declaration declaring that the Yantrik Pay will be calculated for purposes and wherein, this Court, by an order dated 08.07.2022, held that

“10. As regards the issue raised in the case on hand is concerned, in the light of the stand taken by the first



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respondent in the counter affidavit dated 14.06.2022 as extracted above, the Coast Guard Yantrik Pay shall be counted for all purposes including Dearness Allowance and Pension and based on the same, the respondents are directed to pay the arrears of service and terminal benefits to the petitioner and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order”.

5. Accordingly, the Director General of the Coast Guard had sought for list of persons who are eligible for the payment of Yantrik Pay for all purposes on 09.12.2022. The petitioner also submitted a representation since he is also entitled for Yantrik Pay arrears based on the order passed by this Court. However, it is pending without consideration on the file of the respondents.

6. In view of the facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner, in the light of the order passed by this Court in W.P.No.17038 of 2020 dated 08.07.2022, within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of.

No costs.

21.03.2024

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

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