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W.P.No.10631 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.10631 of 2022

P.Arjunan

... Petitioner

Vs.

1.The Director General,
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi 110 003.

2.The Group Commandant,
Central Industrial Security Force,
Group Headquarters,
D-Block, Rajaji Bhavan,
Besant Nagar, Chennai 600 090.

3.The Deputy Commandant,
Central Industrial Security Force,
VOC Port Trust,
Tuticorin 628 004.

4.The Assistant Commandant,
Central Industrial Security Force,
Group Headquarters,
D-Block, Rajaji Bhavan,
Besant Nagar, Chennai 600 090.

5.The Assistant Commandant,



Central Industrial Security Force Unit,
VOC Port Trust,
Tuticorin 628 004.

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent dated 29.12.2020 in his Order No.E-22013/CISF/GHC/III-Accts/Pay Fix/2020-8932 and the Order of the 5th respondent dated 21.01.2021 in his Order No.E-36017/CISF/VOCPT/DOCS/2021-236 and quash the same and direct the respondents to revise the petitioner pay fixation at par with similarly categorized batch mates from the date of found fit in the cross efficiency bar by Departmental Promotion Committee (DPC) and to pay all consequential service cum monetary benefits with retrospective effect.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.P.G.Santhosh Kumar, SPC

ORDER

This Writ Petition has been filed for quashment of the impugned order passed by the 4th respondent dated 29.12.2020 in his Order No.E-22013/CISF/GHC/III-Accts/Pay Fix/2020-8932 and the Order of the 5th respondent dated 21.01.2021 in his Order No.E-



36017/CISF/VOCPT/DOCS/2021-236 and consequently, to direct the respondents to revise the petitioner pay fixation at par with similarly categorized batch mates from the date of found fit in the cross efficiency bar by Departmental Promotion Committee (DPC) and to pay all consequential service cum monetary benefits with retrospective effect.

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

3. The learned counsel for the petitioner submitted that the petitioner joined in the Central Industrial Security Force as Constable/GD on 28.06.1984 and thereafter, promoted as Head Constable in the year 2005 and Assistant Sub Inspector in the year 2018. Now, the petitioner is working under the third respondent from June 2018. Since there is difference in fixation of basic pay, the petitioner gave a representation before the first respondent on 02.11.2020 for revising the basic pay at par with his batch mates. After submission of his representation, the fourth respondent was passed an order stating that the annual increment for the year 1990 was not granted to him as per Notification issued vide GOI, MoF (Department of Expenditure), New Delhi, letter No.02(19)-EIII/62 dated 24.04.1962, is in



order and returned the representation of the petitioner. The order passed by the 4th respondent on behalf of the 2nd respondent was communicated by the 5th respondent on 21.01.2021 stating that the representation of the petitioner along with supporting documents has been returned by the GP Commandant, CISF GP Headquarters, Chennai. Aggrieved by the same, the petitioner has filed the present petition seeking for fixation of pay at bar with his batchmates.

4.The learned Special Counsel appearing for the respondents submitted that the pay fixation for the petitioner was done on the basis of financial up-gradation granted to him under the ACP/MACP Scheme, revised pay rules and under the provisions in accordance with 4th, 5th, 6th and 7th CPC, which is in order. He further submitted that when the petitioner was posted at CISF Unit NALCO Angul, annual increment for the year 1990 was not granted to him as he was found unfit by the DPC to cross the Efficiency Bar vide CISF Unit NALCO Angul Service Order Part -I No.35/1990 dated 10/11.05.1990. The representation of the petitioner dated 02.11.2020 addressed to DG/CISF demanding revision of grant of increment and fixation of pay, was examined and returned by Group Commandant, CISF GP Headquarters, Chennai, intimating the petitioner about non grant of increment to him at the EB stage



in the year 1990 and the same is proper. Therefore, there is no infirmity in the impugned order passed by the 4th respondent.

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5. On perusal of the records, it is seen that the Notification issued vide GOI, MoF (Department of Expenditure), New Delhi, letter No.02(19)-EIII/62 dated 24.04.1962 has been properly followed in the case of the petitioner. Hence, without going into the merits of the case, this Court directs the respondents to pass a fresh order in the case of the petitioner, after due consideration of the Notification issued vide GOI, MoF (Department of Expenditure), New Delhi, letter No.02(19)-EIII/62 dated 24.04.1962.

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

07.11.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

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