



W.P.No.7926 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

**W.P.No.7926 of 2015**

M.R.Naidu

... Petitioner

-VS-

- 1.The Union of India,  
represented by its Secretary to Government,  
Ministry of Home Affairs,  
New Delhi.
- 2.The Director General,  
Central Industrial Security Force,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003.
- 3.The Deputy Inspector General (Fire),  
Central Industrial Security Force,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003.
- 4.The Deputy Inspector General,  
Central Industrial Security Force,  
South Zone, Head Quarters,  
Rajaji Bhawan, Besant Nagar,  
Chennai – 600 090.
- 5.The Commandant,



W.P.No.7926 of 2015

Central Industrial Security Force Unit,  
NALCO, Damanjodi,  
Koraput District.

6.The Deputy Commandant,  
CISF Unit,  
STPP, Simhadri.

7.The Deputy Commandant,  
CISF Unit, Salem Steel Plant,  
Mohan Nagar,  
Salem.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order passed by the 6<sup>th</sup> respondent dated 13.06.2014 in his Office Memorandum No.V-36018/MACP/STPP/DST/2014/2249 and quash the same and to direct the respondents to pass orders on the representation of the petitioner dated 05.01.2015 and to pay the increment from 1992 along with batch mates.

For petitioner : Mr.A.S.Mujibur Rahman

For respondents : Mr.D.Simon,  
Central Government Standing Counsel

\*\*\*\*\*

**ORDER**



W.P.No.7926 of 2015

WEB COPY

The writ petitioner seeks to quash the order dated 13.06.2014 passed by the 6<sup>th</sup> respondent in his official memorandum No.V-36018/MACP/STPP/DST/2014/2249 and to thereafter, direct the respondents to pass orders on his representation dated 15.01.2015 and to pay the increment from the year 1992 along with his batchmates.

2. The facts, shorn of details, that are necessary for the disposal of this writ petition are as follows.

2.1. The petitioner had joined as a Constable in the Central Industrial Security Force on 15.07.1983. Thereafter, he was promoted as Head Constable Driver-cum-Pump Operator on 06.09.1992 and then, as Assistant Sub Inspector (Fire) on 19.11.2010. The petitioner was transferred from NTPC, Andhra Pradesh to Salem Steel Plant, Salem, on 16.08.2014 which comes under the control of the 6<sup>th</sup> respondent.

2.2. The petitioner would submit that he was a good football



W.P.No.7926 of 2015

WEB COPY

player who used to play for the CISF Zonal Unit. In the month of May 1992, he was deputed to West Zone Football coaching camp at CISF Unit, MPT Goa. While he was there, he was promoted as Head Constable and was directed to join duty and report before the Commandant, CISF Unit, RCF Thal on 15.06.1992 positively. Since he was not relieved from Goa, he was not in a position to report on 15.06.1992. Thereafter, he had reported before the Commandant, CISF Unit, RCF Thal, on 19.07.1992. Since the petitioner had joined on 19.07.1992, his PSL number was 183 and he was allotted in the subsequent batch.

2.3. The petitioner, therefore, made several representations to the authorities who did not redress his grievance. Ultimately, the petitioner was informed that the correct PSL number had been allotted and nothing further could be done. Since the authorities did not redress his grievance, the petitioner had filed a writ petition in W.P.(C).No.2052 of 2009 before the High Court of Orissa Cuttack, for a certiorarified mandamus challenging the order dated 20.06.2008



W.P.No.7926 of 2015

WEB COPY

and to quash the same and to direct the respondents to allot the higher PSL on par with his colleagues who joined on 15.06.1992 and to award all consequential benefits thereof.

2.4. The High Court of Orissa Cuttack, on 08.07.2010, passed the following order:

*“ .....7. Considering the facts and circumstance of the case this Court directs the opposite parties to reconsider the case of the petitioner for re-allotment of PSL number within a period of two months from the date of communication of the order keeping in view the fact that the petitioner was in football coaching camp at the relevant time and was not relieved by the authority to join in the promotional post in time.*

*The writ petition is disposed of accordingly.”*

Therefore, the High Court of Orissa Cuttack, has consciously granted relief only with reference to the re-allotment of PSL number and has not passed any orders on the request of the petitioner to be awarded with all consequential benefits with effect from 15.06.1992.



W.P.No.7926 of 2015

WEB COPY

This order was not taken up on any further appeal by the petitioner and had attained its finality.

2.5. Now, the present writ petition was filed for the very same relief which has not been granted by the High Court of Orissa Cuttack, though couched in a different manner.

2.6. The respondents had denied the claim of the petitioner and submitted that pursuant to the orders of the High Court of Orissa Cuttack, they had reallocated the petitioner's PSL number from 183 to 145-A. The respondents would submit that the petitioner is entitled to pay and allowances only from the date he has assumed the charge viz., with effect from 19.07.1992. With reference to the awarding of one increment on pre-revised pay scale on par with the petitioner's colleagues viz., ASI(Fire) K.Radha Krishnan and ASI(Fire) M.P.Varghese of CISF Unit STPP Simhadri, the respondents would submit that their increment date fell between February and June 2006 and therefore, they had got the increment with effect from



W.P.No.7926 of 2015

WEB COPY

01.01.2006. However, the petitioner's increment fell due only in July. Therefore, he is not entitled to draw the increment in the pre-revised pay scale with effect from 01.01.2006. This fact was also intimated *vide* letter dated 13.06.2014 of the Deputy Commandant, CISF Unit STPP Simhadri. Therefore, the respondents would submit that there was no merit in the petitioner's claim. The learned counsel appearing for the respondents had also made his submissions on this line.

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

4. The petitioner had, in the year 2009, moved to the High Court of Orissa Cuttack, and had filed a writ petition in W.P.(C).No.2052 of 2009, wherein, he had sought to quash the letter impugned / letter dated 20.06.2008 and to issue a mandamus directing the respondents to reallocate the PSL number along with his colleagues who joined on 15.06.1992 **with all consequential**



W.P.No.7926 of 2015

WEB COPY

**benefits.** The High Court of Orissa Cuttack, after considering the same, had ultimately disposed of the writ petition with the direction to the respondents to reallocate the PSL number of the petitioner within a period of two months from the date of communication of the order. Therefore, the second limb of the prayer *viz.*, granting PSL seniority along with consequential benefits has not been granted. This order has not been challenged by the petitioner who has allowed it to attain finality. Now, nearly six years after the order of the High Court of Orissa Cuttack, the petitioner has come forward with the very same relief. In the light of not challenging the earlier order disallowing the request, the same cannot be granted to the petitioner.

5. Further, the respondents have given reasons as to how the batchmates of the petitioner have been given one increment in the revised pay scale with effect from 01.01.2006. They have stated that the increment date of the petitioner's batchmates was between February and June 2006, whereas, the increment date of the



W.P.No.7926 of 2015

petitioner fell due only in July. Therefore, I see no reason to interfere with the impugned order.

Accordingly, this writ petition stands dismissed. No costs.

**24.06.2024**

Internet : Yes  
Index : Yes/No  
Speaking order/Non-speaking order  
ssa

To

- 1.The Union of India,  
represented by its Secretary to Government,  
Ministry of Home Affairs,  
New Delhi.
- 2.The Director General,  
Central Industrial Security Force,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003.
- 3.The Deputy Inspector General (Fire),  
Central Industrial Security Force,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003.



W.P.No.7926 of 2015

4.The Deputy Inspector General,  
Central Industrial Security Force,  
South Zone, Head Quarters,  
Rajaji Bhawan, Besant Nagar,  
Chennai – 600 090.

5.The Commandant,  
Central Industrial Security Force Unit,  
NALCO, Damanjodi,  
Koraput District.

6.The Deputy Commandant,  
CISF Unit,  
STPP, Simhadri.

7.The Deputy Commandant,  
CISF Unit, Salem Steel Plant,  
Mohan Nagar,  
Salem.



WEB COPY



W.P.No.7926 of 2015

**P.T.ASHA, J.,**

ssa

**W.P.No.7926 of 2015**

**24.06.2024**