



WEB COPY



W.P.No.14761 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.14761 of 2021

M.Munirathinam

...

Petitioner

Vs.

The Joint Commissioner of Police (South Zone)
St.Thomas Mount,
Greater Chennai Police,
Chennai - 16.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to step up the pay of the petitioner on par with his junior Ramakrishnan and further direct the respondents to refix the petitioner's pay, pension, Gratuity, Earned Leave Encashment and all other terminal benefits on such refixed pay with all attendant benefits including arrears.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.M.Rajendran,
Additional Government Pleader

ORDER

The Writ Petition has been filed to rectify the pay anomaly between the Junior and Senior.



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2. Mr.V.Vijayashankar, learned counsel for the petitioner submitted that the petitioner and one Ramakrishnan joined service as Constable on 20.12.1979 and 20.02.1986 respectively and both of them were retired on 29.02.2016. The petitioner got promoted to the post of Grade I Constable and subsequently to the post of Head Constable and thereafter Special Sub Inspector of Police. The petitioner was also given regular promotion as Sub Inspector of Police on 07.03.2012. But, the said Ramakrishnan had got promoted to the post of Special Sub Inspector on 01.03.2011. Since Ramakrishnan did not participate in training, he remained as Special Sub Inspector at the time of retirement. The petitioner had not suffered any punishment during his service. The grievance of the petitioner is that his junior Ramakrishnan has got a higher pay i.e., Rs.19,280/- than the petitioner who was drawing Rs.18,840/- at the time of retirement.

3. Mr.M.Rajendran, learned Additional Government Pleader appearing for the respondents submitted that while fixing pay in the new matrix as per the 7th pay commission, both the petitioner and his junior Ramakrishnan has got equal pay of Rs.49,500/-. It is in view of the pay



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anomaly that had arisen from 01.01.2003, the pay of said Ramakrishnan was fixed in the upgraded post of Head constable. He had exercised his option under FR 22 (I) (a) (1). But, subsequent to the 7th Pay Commission, both of them were sanctioned with the same revised pension of Rs.24,160/. Since the petitioner has got retired from service, the Government alone can rectify the pay anomaly and respondents cannot pass orders in this regard.

4. Admittedly the petitioner's junior is getting higher pay than the petitioner who is his senior. The fact that the petitioner had joined service earlier than Ramakrishnan and his promotions were earlier to the junior Ramakrishnan. The petitioner retired from service as Sub Inspector and the said Ramakrishnan retired as Special Sub Inspector. In this context, it is the petitioner who ought to have got higher pay than the said Ramakrishnan.

5. The only reason stated by the respondents for the pay anomaly is that the option exercised by the employees under FR 22 (I) (a) (1) while fixing higher grade of pay in the post of head constable on 01.01.2003. However, the petitioner has now got retired. Hence, the Government is the



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competent authority to consider the claim of the petitioner to set right the anomaly, if any; since the petitioner is senior to Ramakrishnan, the petitioner has made out a prima facie case for consideration.

6. The petitioner had already given representation to the respondent on 10.05.2021. So, the respondents should forward the same to the Government for further orders. Hence, the respondents are directed to forward the representation of the petitioner dated 10.05.2021 with relevant documents, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

08.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum



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To:

The Joint Commissioner of Police (South Zone)
St.Thomas Mount,
Greater Chennai Police,
Chennai - 16.



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R.N.MANJULA ,J.

vum

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