



WP(MD) No.11964 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.02.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.11964 of 2021

- 1.N.Govindarajan
- 2.N.Venugopalan
- 3.K.Srinivasan
- 4.G.Gangadharan
- 5.T.Ramadoss
- 6.S.Ulagasundaram
- 7.S.Mani
- 8.P.Thangaraj
- 9.P.Kaliaperumal
- 10.P.Krishnan
- 11.P.Krishnana
- 12.S.Srinivasan
- 13.C.Maniarasan
- 14.R.Selvaraj
- 15.R.Settu
- 16.I.Paulraj

... Petitioners

Vs.

- 1.Union of India,
Rep. by the Secretary to the Govt. of India,
Ministry of Railways, New Delhi.
- 2.The Director General of Railway Protection Force,
Railway Protection Force, Rail Bhavan, New Delhi.



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3. The Principal Chief Security Commissioner,
Railway Protection Force,
Southern Railway, Moor Market Complex,
6th Floor, Chennai-3.

4. The Divisional Security Commissioner,
Railway Protection Force, Southern Railway,
Divisional Railway Manager Office, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to step up their pay by way of granting two additional increments as per Railway Board Letter No. 27/2010 dated 04.02.2010 on a par with Retired Junior Head Constables, who got two additional increments and stepping up of pay in terms of Railway Board Letter No.PC-V/2000/R-II/9/1 dated 15.03.2021 and got promoted as Head Constable after 01.01.1996, and to hike the petitioners' pension on a par with the above said Retired Junior Head Constables duly considering the petitioners' several representations, particularly representations dated 24.10.2016, 23.01.2019 and 18.03.2019 submitted to the 4th respondent Divisional Security Commissioner, Railway Protection Force, Southern Railway, Divisional Railway Manager Office, Thiruchirappalli.

For Petitioners : Mr.R.Kavin Prasath
for Mr.A.Muthukaruppan

For Respondents : Mr.K.R.Laxmanan for R1 to R4



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ORDER

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All the petitioners herein have retired from the service of the respondents as Head Constables, Railway Protection Force, Southern Railway, Trichy Division. The petitioners approached this Court by seeking a Mandamus to direct the respondents to step up their pay by way of granting two additional increments as per Railway Board Letter No. 27/2010 dated 04.02.2010 on a par with Retired Junior Head Constables, who got two additional increments and stepping up of pay in terms of Railway Board Letter No.PC-V/2000/R-II/9/1 dated 15.03.2021 and got promoted as Head Constables after 01.01.1996, and to hike the petitioners' pension on a par with the above said Retired Junior Head Constables duly considering the petitioners' several representations, particularly representations dated 24.10.2016, 23.01.2019 and 18.03.2019 submitted to the 4th respondent Divisional Security Commissioner, Railway Protection Force, Southern Railway, Divisional Railway Manager Office, Thiruchirappalli.



2. Though three years have lapsed since filing of the Writ Petition, no counter affidavit is filed by the respondents.

3. The learned counsel for the petitioners submitted that subsequent to the filing of the Writ Petition, the petitioners came to know about an order passed by the High Court of Kerala in W.P.(C)No.26978 of 2003, dated 29.07.2009 and the consequent proceedings issued by the respondents in No.PC-V/2003/I/6/2, dated 04.02.2010, which deal with stepping up of pay of the Head Constables subject to fulfilling certain conditions. In the light of the above proceedings dated 04.02.2010, the learned counsel for the petitioners seek indulgence of this Court to permit the petitioners to approach the respondents by submitting a representation and seeking consideration of their case under the proceedings dated 04.02.2010 and further direction to consider the representations of the petitioners, instead of deciding this Writ Petition on merits.

4. In the light of the specific request made by the learned counsel for the petitioners, this Court does not deem it necessary to go into the merits of the case and accordingly, this Writ Petition is disposed of permitting the



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petitioners to submit representations within a period of four weeks from the date of receipt of a copy of this order claiming the benefit of stepping up of their pay for which they are claiming to be entitled to etc., and in case if any such representations are submitted, the same shall be considered by the respondents duly taking into consideration the proceedings dated 04.02.2010 and pass appropriate orders in accordance with law, within a further period of three months and communicate the same to the petitioners.

There shall be no order as to costs.

22.02.2024

NCC : Yes/No

Index : Yes/No

vsm

To

- 1.The Secretary to the Govt. of India,
Union of India,Ministry of Railways, New Delhi.
- 2.The Director General of Railway Protection Force,
Railway Protection Force, Rail Bhavan, New Delhi.
- 3.The Principal Chief Security Commissioner,
Railway Protection Force, Southern Railway, Moor Market Complex,
6th Floor, Chennai-3.
- 4.The Divisional Security Commissioner,
Railway Protection Force, Southern Railway,
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