



WEB COPY

W.P.(MD) No.19552 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.19552 of 2021

Maria Arul Xavier

... Petitioner

-VS-

1.The State of Tamilnadu
rep.by the Secretary
Home (Police-5) Department
Tamilnadu Government
Fort St.George, Chennai

2.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4

3.The Superintendent of Police
Dindigul District
Dindigul

4.The Principal Accounts General
(Accounts and Entitlement)
No.36, Anna Salai
Chennai-600 018

... Respondents



WEB COPY

W.P.(MD) No.19552 of 2021

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to clarify or obtain necessary ratification order from the first respondent based on the proceedings of the third respondent in Na.Ka.No.D3/1628/2019, dated 10.12.2020, in connection with the revision of pay scale order passed by the third respondent by his proceedings in Na.Ka.No.D3/11108-8/136/2019, dated 21.09.2019 and to direct the third respondent to forward the same to the fourth respondent to consider revision of pension benefits to the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R3
Mr.P.Gunasekaran for R4

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to clarify / obtain necessary order from the first respondent, based on the proceedings of the third respondent dated 10.12.2023, in connection with revision of pay scales order passed by the third respondent, dated 21.09.2019 and to direct the third respondent to



W.P.(MD) No.19552 of 2021

WEB COPY

forward the same to the fourth respondent to consider the revision of pension benefits to the petitioner.

2. It is now brought to the notice of this Court by the learned counsel for the petitioner that subsequent to the earlier representation given by the petitioner, the respondents have now agreed to consider the petitioner's representation seeking for implementation of revision of pay scales in favour of the petitioner, based on his fresh representation dated 15.05.2024, wherein he has disclosed his junior's name, who was considered ahead of the petitioner in the earlier proceedings of the respondents.

3. Learned counsel for the petitioner drew the attention of this Court to Paragraph No.6 of the counter affidavit filed by the third respondent before this Court. Paragraph No.6 of the counter affidavit reads as follows:

“6)With regard to the averments made by the petitioner in Paras 5, 6 and 7 of the writ petition, it is respectfully submitted that as per instructions of the Office of the Accountant General, Chennai stated supra, a letter in C.No.D3/1628/2019, dated 10.12.2020 of the 3rd respondent has been addressed to the Director General of Police, Tamil Nadu, Chennai requesting to



WEB COPY



W.P.(MD) No.19552 of 2021

give necessary instructions on the above subject in the light of Government letter No.83, Home (Police-5) Department, dated 06.02.2019. In the meantime, the petitioner again submitted a representation, dated 15.12.2020, requesting to rectify the pay anomaly between him and his junior batch and revise his pay scale. Since the petitioner has not mentioned the name of his junior, who is getting higher pay, the discrepancies in the earlier revision of pay anomaly order was noticed and the same is cancelled by the 3rd respondent in his D.O.No.398/2024 in C.No.D3/1628/2019, dated: 06.05.2024. Hence, the petitioner's plea could not be considered at this juncture and the petitioner was issued with an endorsement in C.No.D3/1628/2019, dated: 06.05.2024 with instructions to submit a fresh representation, with the specific name of the junior, who is getting higher pay, necessary follow up action will be immediately initiated and necessary proposal also be sent to the Director General of Police, Tamil Nadu, Chennai requesting to obtain ratification order from the Government and accordingly, revision of pension proposal may be sent by the 3rd respondent to the 4th respondent / Accountant General, Chennai for revision of Pensionary benefits to the petitioner.”



WEB COPY

W.P.(MD) No.19552 of 2021

4. Since the third respondent has agreed to consider the petitioner's fresh representation dated 15.05.2024 and the learned counsel for the petitioner is also not pressing for any further orders from this Court, this Court is of the considered view that no prejudice would be caused to any of the parties, if the petitioner's fresh representation dated 15.05.2024, is directed to be considered on merits and in accordance with law, within a time frame fixed by this Court.

5. For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's fresh representation, dated 15.05.2024, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

05.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

Page 5 of 7



W.P.(MD) No.19552 of 2021

WEB COPY

To:

- 1.The Secretary,
Home (Police-5) Department,
State of Tamilnadu
Fort St.George, Chennai.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
- 3.The Superintendent of Police,
Dindigul District,
Dindigul.



WEB COPY



W.P.(MD) No.19552 of 2021

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.19552 of 2021

05.08.2024