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W.A.No.361 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HON'BLE Mr. JUSTICE R. SUBRAMANIAN
AND
THE HON'BLE Mr. JUSTICE G. ARUL MURUGAN

W.A.No.361 of 2025
AND
C.M.P.No.2852 of 2025

1.The Additional Director General of Police
Office of the ADGP
No.10, Armed Police Head Quarters
Lotus Garden, Kilpauk
Chennai 600 010

2.The Inspector General of Police
Office of the IGP
Armed Police Head Quarters
Kilpauk, Chennai 600 010

3.The Commandant-XIV Battalion
Office of the Commandant
TSP XIV Battalion
Palani

.. Appellants

Vs.

K.Anbalagan

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent, against the order
dated 03.04.2024 passed in W.P.No.26714 of 2022.

For Appellants : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.P.Ananda Kumar
Government Advocate



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For Respondent : Mr.A.R.Balaji

JUDGMENT

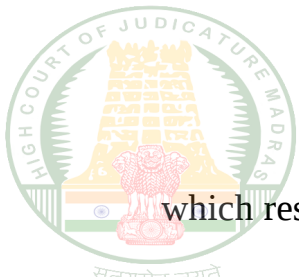
(Delivered by R. SUBRAMANIAN, J.)

Aggrieved by the order of the writ Court dated 03.04.2024 made in W.P.No.2674 of 2022 directing the appellants to step up the pay of the respondent on par with the pay drawn by his junior one Mr.R.Venkatesan, the appellants are on appeal.

2. The facts that lead to the filing of the writ petition are as follows:

2.1. Both the respondent/writ petitioner and one Mr.R.Venkatesan were appointed as Grade-II Police Constables on the same date *i.e.*, 17.03.1986. They were promoted as Havildars on 18.03.1994. On the date of promotion as Havildars, the scales of pay of both Mr.R.Venkatesan and the respondent were one and the same. Thereafter, both of them were promoted as Sub-Inspector of Police on 18.03.2003 and their pay was fixed at Rs.5,300/- at the same level. Both of them were qualified for promotion to the post of Inspector of Police on 01.01.2011.

2.2. While the respondent accepted the said promotion and became an Inspector with effect from 01.01.2011, the junior *viz.*, Mr.R.Venkatesan relinquished his promotion and remained as a Sub-Inspector. In the rank of Sub-Inspector, Mr.R.Venkatesan was moved to Selection Grade on 18.03.2013,



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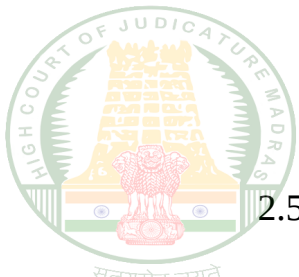
which resulted in two increments being granted to him and his pay was fixed at

Rs.20,470/- with effect from 18.03.2013.

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2.3. The pay of the respondent who was holding a higher post as on 18.03.2013, remained as Rs.20,260/-, i.e., 210 rupees lesser than the pay drawn by his junior who was in the lower post, as on that date. Subsequently, Mr.R.Venkatesan was promoted as Inspector on 17.07.2017, on which date, his pay was fixed at Rs.64,300/-. The said Venkatesan took voluntary retirement on 31.01.2018, on which date, his basic pay was Rs.64,300/-. The respondent retired by superannuation on 31.10.2017 and his last drawn pay was Rs.60,600/-

2.4. Finding that there was an anomaly in his pay, the respondent sought clarification of the anomaly as per G.O.(Ms.)No.25 Personnel and Administrative Reforms (FR.IV) Department, dated 23.03.2015 (in short “G.O.25”). His request was rejected on the ground that his junior viz., Mr.R.Venkatesan had higher qualification at the time of his appointment viz., 10th standard pass. Whereas, the respondent had passed only 8th standard and therefore, the said Venkatesan was granted a higher pay and as such, there is no anomaly.



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2.5. The writ Court rejected the claim of the appellants and concluded that the respondent would be entitled to a higher pay equal to that of Mr.R.Venkatesan and allowed the writ petition directing the appellants to rectify the anomaly and fix the pay of the respondent on par with that of his junior Mr.R.Venkatesan with effect from 17.07.2017. The consequential benefits of revision of pension was also granted.

3. Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellants would vehemently contend that the anomaly arose because of the fact that Mr.R.Venkatesan was given a higher pay even at the time of his initial appointment, in view of the fact that he had better qualification viz., 10th standard pass, whereas, the respondent was only an 8th standard pass.

4. Contending *contra*, Mr.A.R.Balaji, learned counsel appearing for the respondent would submit that as per G.O.25, it is the pay which was drawn by the junior in the cadre which both the junior and senior held before promotion should alone be taken into account and not the pay that was fixed at the time of entry into service as Police Constable Grade-II. The learned counsel would also draw our attention to the concluding portion of G.O.25 which reads as follows:

“5. The Government direct that in cases where Government



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servants who have been appointed / promoted to higher posts without moving to Selection Grade /Special Grade in the lower post and there by happen to draw less pay than their junior who are appointed / promoted to the higher posts after moving to the Selection Grade / Special Grade of the lower post, in the revised scales of pay, the pay of such seniors should be fixed in the higher post equal to the pay of the Junior in the higher post with effect from the date of drawal of higher pay by The junior in the higher post subject to fulfilment of the following conditions:

i. Both the junior and senior officers should belong to the same cadre and the post in which they have been promoted or appointed should be identical and in the same cadre.

ii. The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical.”

5. The very object of G.O.25 is to rectify the pay anomaly that is caused by the junior being promoted to a higher post after being conferred with selection grade or special grade in the lower post. In the case on hand, no doubt, the junior Mr.R.Venkatesan was drawing a higher pay in the post of Police Constable Grade-II, because of his higher qualification. However, when both the respondent and his junior Mr.R.Venkatesan were promoted as Havildars on 18.03.1994, their pay was fixed equally at Rs.1,200/-.

6. This equality in pay continued till the promotion of the respondent as Inspector on 01.01.2011. The anomaly actually occurred, when Mr.R.Venkatesan was granted two increments, when he was conferred with selection grade in the post of Sub-Inspector on 18.03.2013, where his pay was



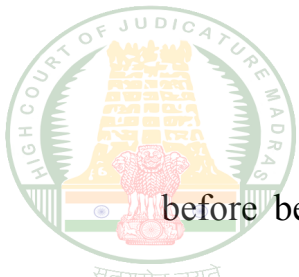
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fixed at Rs.21,090/- on 01.01.2014. When Mr.R.Venkatesan was promoted as

Inspector of Police on 17.07.2017, based on his last drawn pay in the post of Sub-Inspector viz., Rs.60,900/-, his pay in the post of Inspector was fixed at Rs.64,300/-, whereas, the pay of the respondent continued to be Rs.60,600/-, which is lower than the pay that was fixed for Mr.R.Venkatesan. It is this anomaly which was sought to be rectified.

7. We are unable to accept the contention of the learned Additional Advocate General, in view of the specific provisions contained in G.O.25. We have extracted the concluding portion of G.O.25. At the risk of repetition, it will be pertinent to point out here that G.O.25 was issued by the Government, solely with a view of rectifying the anomalies that occurred due to the junior being promoted after being conferred with selection grade/special grade in the lower post. The conditions that were set out in the said G.O. themselves make it very clear that the determining factor is pay drawn in the immediate lower post and not the pay drawn at the time of appointment at the lowest level.

8. In the case on hand, the immediate lower post was the post of Sub-Inspector. Admittedly, Mr.R.Venkatesan was junior to the respondent in the post of Sub-Inspector also. The respondent was promoted as Inspector

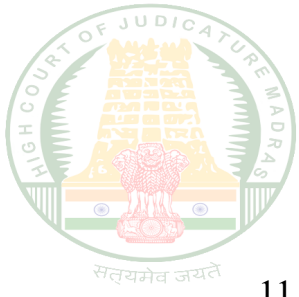


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before being conferred with the benefits of selection grade/special grade on 01.01.2011. Since Mr.R.Venkatesan relinquished his promotion, he was conferred with selection grade in the post of Sub-Inspector, which jacked up his pay to a higher level than that of the respondent, who was holding the higher post of Inspector.

9. It is admitted that both the respondent and his junior Mr.R.Venkatesan were drawing the same pay, on the day when the respondent was promoted as Inspector of Police. Therefore, if an anomaly arises because of the promotion of Mr.R.Venkatesan after having been conferred with selection grade in the post of Sub-Inspector, the said anomaly has to be rectified and the respondent would be entitled to stepping up of pay in terms of G.O.25.

10. The contention that Mr.R.Venkatesan was drawing a higher pay initially at the time of his appointment because he had higher qualification, will not apply to the case on hand, inasmuch as the disparity ceased on 18.03.1994, when both Mr.R.Venkatesan and the respondent were promoted as Havildars. They were drawing equal pay from 18.03.1994 to 31.12.2010. Therefore, we are unable to fault the writ Court for having directed stepping up of the pay of the respondent equal to that of the pay of his junior Mr.R.Venkatesan.



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11. The writ appeal fails and it is accordingly dismissed. The time granted by the learned Single Judge for compliance of the orders, is extended by twelve weeks from today. The learned Single Judge is requested to defer the contempt proceedings for a period of four weeks. No costs. Connected C.M.P. is closed.

[R.S.M., J.] [G.A.M., J.]
22.04.2025

Index : Yes
Neutral Citation : Yes
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