



WEB COPY



W.P. No.7345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.7345 of 2024

K.Veeramani

Petitioner

Vs

1. The Secretary to Government
Home (Pol.II) Department,
Fort St. George, Chennai-9

2.The Director General of Police
Head of Police Force,
Mylapore Chennai-4.

3.The Accountant General (A & E)
Teynampet, Chennai-18.

4.The Superintendent of Police,
Nagapattinam District.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order passed by him in Ref. No. P05/1/ 10530736/ VR/ ADK/ 455 dt.29.11.2021 revising the basic salary and the consequential recovery order passed by the 4th respondent Na.Ka. No.N1/ 17695/ 2021 (D.O. No.40/2022) dt.10.01.2022 and quash the same and direct the respondents to fix basic pay of the petitioner as Rs.59,100 on the date of superannuation (VRS) and restore his pay and revise the pensioner benefits orders reimbursement of the recovered amount from the petitioner within a reasonable time.

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For Petitioner : Mr.K.Venkataramani
Senior Counsel
for M/s.M.Muthappan

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

This This writ petition has been filed to call for the records relating to the impugned proceedings of the 3rd respondent in Ref. No. P05/1/10530736/VR/ADK/455 dated 29.11.2021, revising the basic pay of the petitioner, and the consequential recovery order passed by the 4th respondent in Na.Ka. No.N1/17695/2021 (D.O. No.40/2022) dated 10.01.2022, to quash the same and to direct the respondents to fix the petitioner's basic pay as Rs.59,100/- as on the date of superannuation (VRS), restore his pay, revise the pensionary benefits and refund the recovered amount within a reasonable time.

2. It is stated that the petitioner entered service as Grade-II Police Constable through the selection conducted by the Director General of Police and was appointed on 25.09.1988 at Mayiladuthurai District. After certain period, he was upgraded as Special Sub-Inspector of Police on 01.01.2013. Subsequently, he submitted an application for Voluntary Retirement and was permitted to retire from service on 31.10.2021. At that point of time, the 3rd respondent returned the proposal vide order dated 29.11.2021 stating that the revised pay fixation was not in order, by referring Government Letter dated 18.08.2010.



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Further, it is also stated in the impugned order dated 29.11.2021 that the advancement of upgradations in the posts of Grade I PC and HC are only for consideration of next level of upgradation and no financial benefits can be claimed and pursuant to which, recovery order dated 10.01.2022 was issued by the 4th respondent. Aggrieved by the said orders dated 29.11.2021 and 10.01.2022, this writ petition has been filed.

3. Learned Senior Counsel appearing for the petitioner submitted that as per the service rules, an employee who is not promoted for a long period is entitled to increments and, after completion of ten years, to Selection Grade. The petitioner had worked as Grade-I Police Constable for more than ten years and was accordingly granted increments and Selection Grade. However, after his retirement, when the pension papers were forwarded, the 3rd respondent revised the pay on the ground of excess increments and ordered recovery, without affording any opportunity to the petitioner, which is in clear violation of the principles of natural justice. Hence, the impugned orders are liable to be set aside and the matter may be remanded to the respondents. In view of the above, he prayed for allowing of this writ petition as well as for issuance of consequential directions.

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



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5. It is not in dispute that the petitioner entered service as Grade-II Police Constable on 25.09.1988, was upgraded as Grade-I Police Constable and subsequently as Head Constable on 25.05.2003 and thereafter promoted as Special Sub-Inspector of Police on 01.01.2013. After retirement, recovery orders came to be passed by the 4th respondent based on the recommendation of the 3rd respondent, vide letter dated 29.11.2021. A perusal of the impugned order reveals that no opportunity of hearing was afforded to the petitioner prior to revising the pay and ordering recovery. The same is contrary to the principles of natural justice. In view of the above, this Court is inclined to set aside the impugned orders and remand the matter back to the 3rd respondent for fresh consideration. Accordingly, the impugned orders are set aside and the matter is remanded to the 3rd respondent, who is directed to afford an opportunity of hearing to the petitioner and pass appropriate orders, as expeditiously as possible.

6. With the above directions, the writ petition stands allowed. No costs.

06.01.2026

Index : Yes / No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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M.DHANDAPANI, J.

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To

1. The Secretary to Government
Home (Pol.II) Department,
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Head of Police Force,
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