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W.P.Nos.7390 and 7395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.7390 and 7395 of 2024

P.S.Saravanan	... Petitioner in W.P.7390/2024
S.Nagarajan	... Petitioner in W.P.7395/2024
	Vs.

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

2.The Director General of Police
Mylapore,
Chennai 4.

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

4.The Superintendent of Police
Tiruvallur District. ... Respondents in W.P.7390/2024

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

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



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

4.The Superintendent of Police
Tiruvallur District. ... Respondents in W.P.7395/2024

Prayer in W.P.No.7390 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in connection with the impugned order passed by him in No.AG(A&E)/PEN/P05/10534173/1/RO 53417 dated 03.10.2023 and the consequential order of recovery passed by the fourth respondent revising the basic pay from Rs.62,700 to Rs.60,900 in C.No.B4/279/5826386/2023 D.O.No.895/2023 dated 16.11.2023 and the consequential order of recovery of Rs.1,44,988 passed by the fourth respondent in C.No.B4/279/5826386/2023 DO No.933/2023 dated 01.12.2023 and quash the same and direct the respondents to refix the salary of the Petitioner in the scale of pay of Rs.62,700 as on 30.06.2023 and revise the pensionary benefits, draw and disburse the difference amount and further direct the respondents to reimburse the amount recovered from the DCRG of the petitioner to the tune of Rs.1,44,988 along with interest @ 12% p.a. from 30.06.2023 till the date of reimbursement.

Prayer in W.P.No.7395 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in connection with the impugned order passed by him



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in his No.AG(A&E)/PEN/P04/10432940/3/RO432940 dated 15.09.2023 and the consequential order passed by the fourth respondent refixing the basic scale of pay his proceedings No.C.No.B4/351/5739425/2023 DO No.909/2023 dated 21.11.2023 and also the consequential order of recovery of Rs.1,37,691 passed by the fourth respondent in C.No.B4/351/5739425/2023 DO No.960/2023 dated 15.12.2023 and quash the same and direct the respondents to refix the salary of the petitioner at Rs.62,700 /-, revise the pensionary benefits, draw and disburse the difference amount and further direct the respondents to reimburse the recovered amount from his retirement benefits along with interest @ 12% p.a. compounded annually from 01.06.2023 to till the date of reimbursement.

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

For Respondents : Mr.R.U.Dinesh Raj Kumar
for R1 to R2 and R4
Additional Government Pleader
Mr.D.Manorajan for R3

COMMON ORDER

W.P.No.7390 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent in connection with the order in No.AG(A&E)/PEN/P05/10534173/1/RO 53417 dated 03.10.2023 and the consequential order of recovery passed by the fourth respondent revising the basic pay



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from Rs.62,700/- to Rs.60,900/- in C.No.B4/ 279/5826386/2023 D.O.No.895/2023 dated 16.11.2023 and the consequential order of recovery of Rs.1,44,988/- passed by the fourth respondent in C.No.B4/279/5826386/2023 DO No.933/2023 dated 01.12.2023 and quash the same and direct the respondents to refix the salary of the petitioner in the scale of pay of Rs.62,700/- as on 30.06.2023 and revise the pensionary benefits, draw and disburse the difference amount and further direct the respondents to reimburse the amount recovered from the DCRG of the petitioner to the tune of Rs.1,44,988/- along with interest @ 12% p.a. from 30.06.2023 till the date of reimbursement.

2.W.P.No.7395 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent in connection with the order in No.AG(A&E)/PEN/P04/10432940/3/ RO432940 dated 15.09.2023 and the consequential order passed by the fourth respondent refixing the basic scale of pay in proceedings No.C.No.B4/351/5739425/2023 DO No.909/2023 dated 21.11.2023 and also the consequential order of recovery of Rs.1,37,691/- passed by the fourth respondent in C.No.B4/351/5739425/2023 DO No.960/2023 dated 15.12.2023 and



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quash the same and direct the respondents to refix the salary of the petitioner at Rs.62,700 /-, revise the pensionary benefits, draw and disburse the difference amount and further direct the respondents to reimburse the recovered amount from his retirement benefits along with interest @ 12% p.a. compounded annually from 01.06.2023 to till the date of reimbursement.

3.The learned Senior Counsel appearing for the petitioners submitted that the petitioners entered the service as Grade – II Police Constable through the selection conducted by the Director General of Police and were appointed to service in Chennai City Armed Reserve on 01.08.1994 and 25.10.1994 respectively and were granted upgradation as Grade – I Police Constable on 22.07.1997 and 22.07.1997 respectively and in respect of the petitioner in W.P.No.7395 of 2024, it was later advanced to 20.07.1995 and were further upgraded as Head Constable from 25.07.2000 and 26.07.2000 respectively and were further upgraded as Special Sub-Inspector of Police on 01.08.2010 and 01.08.2010 respectively. The petitioner in W.P.No.7390 of 2024 retired from service on 30.06.2023 and the petitioner in W.P.No.7395 of 2024 was promoted as Sub-Inspector of Police during June, 2017 and retired from service on 31.05.2023.



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4.The learned Senior Counsel appearing for the petitioners further submitted that if a person is not promoted for several years, they are entitled for increment and after ten years, they are entitled for selection grade and the petitioners worked as Grade – I Police Constable for more than 10 years and hence they are entitled for increment and selection grade and the same was granted to the petitioners, however, after retirement, when the pension papers were forwarded to the third respondent, the third respondent revised the pay as if the petitioners received excess increment, that too without providing opportunity to the petitioners and ordered for recovery, which is clear violation of principles of natural justice. Hence, this Court may without going into the merits of the case, set aside the impugned order and remand the matter back to the third respondent and issue direction to the third respondent to hear the petitioners and to pass appropriate orders.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts of the case is not in dispute. The petitioners



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entered the service as Grade – II Police Constable on 01.08.1994 and 25.10.1994 respectively and were granted upgradation as Grade – I Police Constable on 22.07.1997 and 22.07.1997 respectively and in respect of the petitioner in W.P.No.7395 of 2024, it was later advanced to 20.07.1995 and were further upgraded as Head Constable from 25.07.2000 and 26.07.2000 respectively and were further upgraded as Special Sub-Inspector of Police on 01.08.2010 and 01.08.2010 respectively. The petitioner in W.P.No.7390 of 2024 retired from service on 30.06.2023 and the petitioner in W.P.No.7395 of 2024 was promoted as Sub-Inspector of Police during June, 2017 and retired from service on 31.05.2023.

7.After the petitioners retirement, recovery order was passed by the fourth respondent based on the recommendation made by the third respondent. The order passed by the third respondent reveal that before passing the impugned order, no opportunity was granted to the petitioners. Hence, this Court is inclined to set aside the impugned order and remand the matter back to the third respondent.

8.Accordingly, the orders impugned in these writ petitions are set aside and the matter is remanded back to the third respondent.



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The third respondent is directed to hear the petitioners and pass appropriate orders, as expeditiously as possible.

9.The writ petitions are allowed on the above terms. No costs.

02.01.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Chennai 9.
- 2.The Director General of Police
Dr Radhakrishnan Salai,
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