
(2006) 04 MAD CK 0087
In the Madras High Court
Case No : Writ Petition No. 29270 of 2005 (T)

C. Kamalan	Vs	APPELLANT
The State of Tamil Nadu		RESPONDENT

Date of Decision : 26-04-2006

Acts Referred:

Citation : (2006) 04 MAD CK 0087

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : R. Kannan, for the Appellant; R. Lakshminarayanan, GA, for the Respondent

Final Decision : Allowed

Judgement

N. Paul Vasanthakumar, J.—The prayer in the writ petition is as follows:

2. The learned Counsel for the petitioner submits that he is restricting his prayer now and requested this Court to direct the respondents to pay the

salary of Sub Inspector of Police for a period of 10 years from 15.01.1984 to 30.09.1994. During the said period, the petitioner was serving as

Sub Inspector of Police by order dated 15.01.84. The petitioner retired from service on 30.09.94, as Sub Inspector of Police and therefore,

continued in the said post till his retirement. Hence, the learned Counsel for the petitioner submitted that he is entitled to get salary for the Sub

Inspector post for the said period and also his pension shall be refixed based on the Sub Inspector of Police salary.

3. The learned Counsel also produced a Judgment of mine made in W.P. No. 31918/2005 dated 07.04.06, wherein, I followed the Judgments of

the Hon'ble Supreme Court reported in Selvaraj Vs. Lt. Governor of Island, Port

Blair and Others, , Secretary-cum-Chief Engineer, Chandigarh

Vs. Hari Om Sharma and Others, , Jaswant Singh Vs. Punjab Poultry Field Staff Association and Others, and 2004 (1) ATJ 24 (Union of India v.

Central Administrative Tribunal) and I have given a direction to pay the salary in the higher pay for the period in which the petitioner therein

worked.

4. In this case, admittedly, the petitioner worked as Sub Inspector of Police for the above period and he retired on 30.09.94. Hence, the petitioner

is entitled to get Sub Inspector salary in terms of the above referred Judgments including the Judgment of mine passed in W.P. No. 31918/2005

dated 07.04.2006. The difference in salary payable for the above period shall be paid to the petitioner and the pension is also liable to be refixed

according to the Pension rules, which says that the 10 months average pay last drawn shall be taken into consideration for fixing the pension.

5. The respondents are directed to pay the difference in pay to the petitioner for the above period and revise the pension based on the 10 months

average pay last drawn by the petitioner due to the refixation. The arrears of difference in salary and arrears of pension payable to the petitioner

shall be paid within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed with the above direction. No costs.