
(2010) 11 MAD CK 0252
In the Madras High Court

Case No : Writ Petition No. 40875 of 2006 and O.A. No. 5619 of 2000

K. Jeyaraman

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 08-11-2010

Acts Referred:

Citation : (2010) 11 MAD CK 0252

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : A. Mohandoss, for the Appellant; Lita Srinivasan, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

D. Hariparanthaman, J.—The Petitioner joined the services as Grade - II Police Constable on 01.10.1959. He was promoted as Head Constable on 29.03.1990. He was further promoted as temporary Sub-Inspector of Police on 22.11.1993 on and out of seniority basis and as Special Sub-Inspector of Police. While so, the second Respondent passed the order dated 10.12.1998 upgrading the Head Constables (Armed Reserve) as Special Sub-Inspectors of Police with effect from 11.12.1998. Thereafter only, the Petitioner was given the pay of Sub-Inspector of Police. He retired from service on 30.09.1999.

2. The Petitioner filed Original Application in O.A. No. 5619 of 2000 (W.P. No. 40875 of 2006) praying for a direction to the Respondents to grant him the pay of Sub-Inspector of Police from 22.11.1993 to 23.09.1999 with all consequential benefits. The Respondents filed reply affidavit.

3. Heard the submissions made on either side and perused the materials available on record.

4. According to the Respondents, on promotion as temporary Sub-Inspector of Police in 1993, the Rules do not provide for fixation under FR 22(b) and the Petitioner would be fixed only at the minimum of pay. In this regard, para 3 of

the reply affidavit is extracted hereunder:

3. It is submitted that, the applicant, Thiru K. Jeyaraman, Retired Special Sub-Inspector of Police, (Armed Reserve) was enlisted as Gr II Police Constable on 1.10.59. During the course of his service, he was promoted as Head Constable on 29.3.90 temporary Sub-Inspector of Police on out of seniority basis and as Special Sub-Inspector of Police. It is submitted that promotions to the category of Sub-Inspector of Police are made on regular basis by conducting promotion tests among eligible Head Constables having 4 years of service and more and that Head Constables are also promoted temporarily as Sub-Inspector of Police, on out of seniority basis as per the rules. The temporary Sub-Inspector of Police will be paid minimum pay in the time scale of pay for the category of Sub-Inspector of Police whereas the pay of Sub-Inspectors who were promoted regularly from the promotion list is fixed properly under FR 22(b) enabling the regular Sub-Inspector to have more benefit of pay. According to the above procedure, the applicant was not included in the promotion list but he was promoted as temporarily Sub-Inspector of Police on out of seniority basis and therefore he was paid the minimum pay in the time scale of pay for Sub-Inspector. Against the routine procedure, the applicant who was not included in the promotion list approached the Honourable Taminadu Administrative Tribunal by filing O.A seeking monetary benefits as in the case of Regular Sub-Inspector of Police.

5. In view of the same, the Psetitioner is not entitled to the relief which is sought in the writ petition and the writ petition is dismissed. No costs.