

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.17517 of 2015

K.Velappan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Highways Department, Fort St. George,
Chennai-9.
2. The Chief Engineer,
Highways Department, Chepauk,
Chennai-5.
3. The Superintending Engineer,
Highways Department,
Tirunelveli-2.
4. The Divisional Engineer,
(Investigation)
Highways Department,
Thiyagaraya Nagar,
Tirunelveli-11.
5. The Director,
Rural Development Department,
Panagal Building,
Saidapet, Chennai-15.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fifth respondent to issue direction to the officers under his control to furnish the particulars called for by the 4th respondent relating to the petitioner, thereafter direct the 4th respondent to sanction all the leave due to him and increments due to him for the entire tenure of his service for more than 30 years and fixation of pay and based on that, revised pension proposals has to be submitted within time limit fixed by this Court in the facts and circumstances of the case.

For Petitioner : Mr.R.Rengaramanujam
For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

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ORDER

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2. The petitioner was initially appointed to the post of Road Inspector on 15.11.1961 in the Highways Department. He was further promoted to the post of Overseer on 15.01.1965. His service was regularized in the post of Overseer with effect from 14.01.1965 by the second respondent in the order dated 21.12.1988. The petitioner also completed the probation and the fourth respondent passed an order dated 16.11.1989 that the petitioner completed the probation with effect from 13.01.1967.

3. It is unfortunate that the petitioner was not sanctioned annual increments from 15.11.1961 to 21.12.1988 in view of the delay in the orders of regularization issued to him.

4. He was later on promoted as Junior Engineer on 07.02.1990. He also retired from service on 31.08.2000. According to him, during his entire period of service, he was not sanctioned even a single increment except the minimum scale of pay in the respective posts.

5. When he retired on 31.08.2000 as Junior Engineer, he was paid pension based on the minimum scale of pay of Rs.5500-175-9000/-. A provisional pension of Rs.2,475/- was sanctioned by the fourth respondent in his proceedings No.2091/2001/A1, dated 19.10.2001 being 90% of Rs.2,750/- i.e., 50% of the minimum pay of Rs.5,500/- in the cadre of Junior Engineer. However, the Accountant General, in his letter dated 12.10.2007, sanctioned a sum of Rs.2,750/- as 50% of Rs.5500-175-9000/-. Even after more than 14 years of retirement, the petitioner is being paid a sum of Rs.2750/- as provisional pension only.

6. Now the petitioner is aged 73 years and he has filed this writ petition seeking for a direction to the fifth respondent to grant him annual increments and to pay him the arrears of pay accordingly and also to revise the pension and consequently to pay the arrears of pension besides paying DCRG and other terminal benefits.

7. In these circumstances, taking into account the aforesaid facts, the respondents 2 and 5 are directed to take appropriate action for getting the annual increments for the petitioner for the entire service as alleged by him, within a period of twelve weeks from the date of receipt of a copy of this order and the petitioner shall also be paid the arrears accordingly. The respondents 2 and 5 are also directed to see whether the revised pension proposals of the petitioner are sent for grant of regular pension and other terminal benefits based on the grant of annual increments, thereafter within a period of six weeks and on the proposals being sent to the Office of the Accountant General, he is directed to authorize the same accordingly as expeditiously as possible. The

first respondent is also responsible for the payment of annual increments for the services rendered by the petitioner and also for payment of regular pension in the said circumstances. The petitioner is also entitled to interest for the belated payment of annual increments and the terminal benefits, as per law.

The Writ Petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Highways Department, Fort St. George,
Chennai-9.
2. The Chief Engineer,
Highways Department, Chepauk,
Chennai-5.
3. The Superintending Engineer,
Highways Department,
Tirunelveli-2.
4. The Divisional Engineer,
(Investigation)
Highways Department,
Thiyagaraya Nagar,
Tirunelveli-11.
5. The Director,
Rural Development Department,
Panagal Building,
Saidapet, Chennai-15.

+1 cc to Mr.R.Rengaramanujam, Advocate,SR.30175

+1 cc to Government Pleader,SR.30328.

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