

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 5693 OF 2007
(O.A.NO.4012 of 2002)

V.Venkata Seshu

...Petitioner

Vs.

1. Government of Tamil Nadu
Joint Secretary to Government Finance
Fort st. George, Chennai
2. The Director School Education
College Road
Chennai.
3. The Chief Education Officer
East Shanmugapuram
Villupuram.

...Respondents

PRAYER: This Writ petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.4012 of 2002 from the file of the Tamil Nadu Administrative Tribunal praying for Certiorarified Mandamus, to call for the records on the file of the first respondent in relation to letter 85405/Finance/CMPC/2000-7 dated 11.10.2011 and quash the same as null and void in the case of the applicant and consequently direct to the first respondent to revise the pension of the petitioner by including Rs.600/- per month as personal pay with all monetary benefits, quashing thereof.

For Petitioner : Mr.K.Parameshwari

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

Aggrieved by the impugned order passed by the first respondent in Lr. No.85405/Finance/CMPC/2000-7 dated 11.10.2001 the petitioner filed O.A. No.4012/2002 before the Tamilnadu Administrative Tribunal to quash the same as null and void, with the consequential direction to the first respondent to revise his pension, by including Rs.600/- per month as Personal Pay with all monetary benefits arising thereby. The Original Application came on transfer as W.P. No. 5693 of 2007 before this Court.

2. Learned counsel appearing for the petitioner challenged the impugned order on the ground that the respondent had failed to consider the case of the petitioner, when he was eligible for Personal Pay without adjustments in increments. It was also the case of the petitioner before the Tamilnadu Administrative Tribunal that though the respondents have given Personal Pay of Rs.600/- per month to some of the retired District Educational Officers namely, Shri Gopala Krishnan and Shri Venkata Rathinam, retired District Educational Officers of Hosur and Krishnagiri, they have not treated the petitioner equally.

3. No reply has been filed. However, when the matter was taken up, Mrs. M.E. Raniselvam, learned Additional Government Pleader placing on record Lr. No. 114/Secy (Exp.)/CMPC/2014-1 dated 06.11.2014 fairly submitted that direction had already been issued to pass suitable orders re-fixing the pay of the individuals who have held the posts of High School Headmaster and Higher Secondary School Headmaster and subsequently promoted as District Educational Officers by taking into account the personal pay of Rs.500/- per month/ Rs.600/- per month granted to them based on the Government order namely, G.O.Ms. No. 720 Finance (PC) Department dated 17.12.1998 and also to sanction the consequential pensionary benefits by sending suitable revised pension proposals to the Accountant General.

4. A reading of the above letter clearly shows that this Court by considering similar grievances in W.P. (MD) Nos. 4235 to 4239 of 2007 on 13.03.2013 directed the Director of School Education to re-fix the pay of the writ petitioners in the afore mentioned Writ Petitions, only in the promotional post of District Educational Officer by taking into account the personal pay of Rs.500/- and Rs.600/- per month.

5. Admittedly, in the present case the petitioner Mr. V. Venkata Seshu was serving as a Headmaster of Government Higher Secondary School, Govindavadi, Kancheepuram District and subsequently as a Headmaster of Government Higher Secondary School, Chiwada from 21.08.1998 and later promoted as a District Educational Officer, Tindivanam, Villupuram District and his pay as on 22.10.1998 as a Higher Secondary School Headmaster was Rs.11023 + 25 PP + 600 PP. It was the claim of the petitioner that the respondents have passed G.O.Ms. No. 720 Finance (PC) Department dated 17.12.1998 sanctioning personal pay of Rs.500/- per month to Headmaster High School and Rs.600/- per month to Higher Secondary School Headmaster, effective from 01.09.1998 and also declared that the above personal pay shall be considered as pay for all purposes such as Dearness Allowance, House Rent Allowance, City Compensatory Allowance and pensionary benefits. When G.O.Ms. No. 720 Finance (PC) Department dated 17.12.1998 was passed giving Rs.600/- to the Headmasters of Higher Secondary School with effect from 01.09.1998, the petitioner was also paid accordingly and therefore the same cannot be stopped or recovered.

6. Further, when the same was challenged before the Madurai Bench of this Court, in W.P. (MD) Nos. 4235 to 4239 of 2007, it was ordered as mentioned as above to revise the pay of the similarly placed persons. Accepting the same, Lr. No. 114/Secy (Exp.)/ CMPC/ 2014-1 dated 06.11.2014 has been issued. The said letter is placed on record.

7. In view of the above, the Writ Petition is allowed as prayed for and the impugned order is set aside. The first respondent is directed to revise the pension of petitioner by including Rs.600/- as Personal Pay, with all monetary benefits including arrears, from the date he was not paid with the same. It is needless to mention that the said exercise should be done within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

avr

To

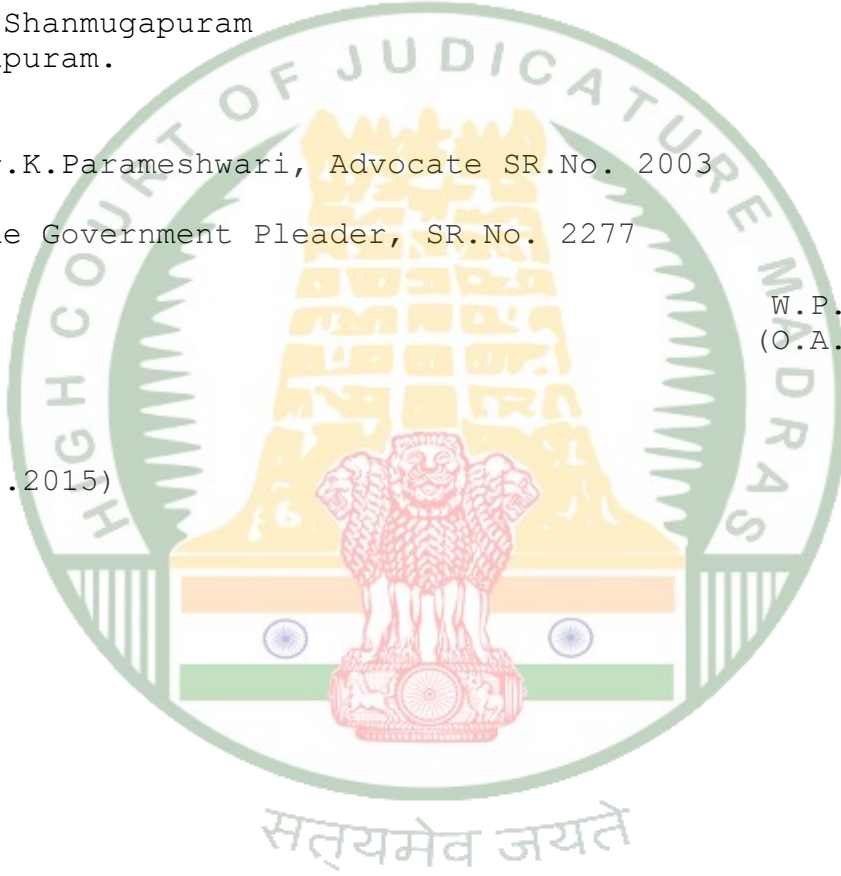
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1 CC to Mr.K.Parameshwari, Advocate SR.No. 2003

1 CC to the Government Pleader, SR.No. 2277

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(O.A.NO.4012 of 2002)

LRS (CO)
PSI (13.03.2015)



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