

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29785 of 2015

M.G.Subburaman

... Petitioner

Vs.

- 1 Government of Tamilnadu,
Rep. by the Principal Secretary to Government,
Finance (PGC) Department,
Fort St. George, Chennai-600 009.
 - 2 The Commissioner,
Corporation of Chennai, Ripon Buildings,
Park Town, Chennai-600 003
 - 3 The Superintending Engineer,
Bus Route Depot Department,
Corporation of Chennai,
Chennai-600 003
 - 4 The Accountant General (A&E)
DMS Complex, Teynampet,
Chennai-600 018
- Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent herein, namely the Superintending Engineer Bus Route Depot Department, Corporation of Chennai, Ripon Buildings, Park Town, Chennai-600 003 to consider and pass orders on merits and in accordance with law on the representation submitted by the petitioner dated 19.06.2014.

For Petitioner : Mr. K.S.Govinda Prasad
For Respondents: Mr. R.Vijayakumar, AGP., for R-1
Mr. G.Anantha Rangan, for R-2 & R-3
Mr. V.Vijayashankar, for R-4

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O R D E R

Mr.R.Vijayakumar, learned Additional Government Pleader, takes notice for the first respondent, Mr. G.Anantha Rangan, learned counsel takes notice for respondents 2 and 3 and Mr. V.Vijayashankar, learned counsel takes notice for the fourth respondent. By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner retired from the services of the Corporation of Chennai, as an Executive Engineer, on 31.01.1994. Since his pension

was not sanctioned, he was constrained to approach this Court by filing W.P.No.17095 of 1994 and this Court has passed an order in the said writ petition on 18.06.2001, based upon which, the second respondent has sanctioned the amount due and payable to the petitioner.

3. The grievance now expressed by the petitioner is that the Dearness Allowance has to be treated as Dearness Pay, for the purpose of pension calculation and very many litigations came to be filed on this issue and ultimately, as per G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013, his pension is liable to be revised. In this regard, the petitioner has submitted a representation dated 19.06.2014 to the third respondent. Since no orders have been passed, the petitioner has come forward to file this writ petition.

4. This Court heard the submissions of the learned counsel for the both sides and perused the materials available on record.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, directs the second and third respondents to consider the petitioner's representation dated 19.06.2014, on merits and in accordance with law, in the light of the above cited, G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. This writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

srk

To

- 1 The Principal Secretary to Government, Government of Tamilnadu, Finance (PGC) Department, Fort St. George, Chennai-600 009.
- 2 The Commissioner, Corporation of Chennai, Ripon Buildings, Park Town, Chennai-600 003
- 3 The Superintending Engineer, Bus Route Depot Department, Corporation of Chennai, Chennai-600 003
- 4 The Accountant General (A&E), DMS Complex, Teynampet, Chennai-600 018

+1 cc to Mr.K.S.Govinda Prasad, Advocate, sr.52018

+1 cc to Mr.G.Anantharangam, Advocate, sr.51595

W.P.No.29785 of 2015

ad co, kra 29/09