



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17172 of 2015

C.VEERAIYAN

... PETITIONER

Vs.

- 1 THE PRINCIPAL SECRETARY
TO GOVT.
FINANCE (PAY CELL) DEPARTMENT
FORT ST.GEORGE,
CHENNAI- 600 009.
- 2 THE DISTRICT COLLECTOR,
PUDHUKKOTTAI DISTRICT,
PUDHUKKOTTAI.
- 3 THE REVENUE DIVISIONAL OFFICER
ARANTHANGI,
PUDHUKKOTTAI DISTRICT.
PUDHUKKOTTAI
- 4 THE TAHSILDAR,
ARANTHANGI TALUK,
PUDHUKKOTTAI DISTRICT,
PUDHUKKOTTAI.

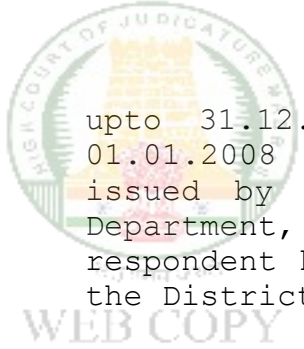
... RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.11.2013 and 01.04.2014 in accordance with law within the time stipulated by this Honble Court and thereby revise the pensionary benefits of the petitioner by taking into accounts the re-option application submitted by the petitioner dated 11.10.2013 in accordance with law within the time stipulated by this Honble Court. pass such further or other order or order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner	...	Mr.D.Sadiq Raja for Mr.Pala Ramasamy
For Respondents	...	Mrs.S.Bharathi Government Advocate

O R D E R

This Writ Petition has been filed by C.Veeraiyan, who served as the Special Tahsildar in the third respondent and retired with effect from 29.02.2008. The petitioner has given his re-option on 11.10.2013 to retain the existing scale of pay and Dearness Allowance for the period



upto 31.12.2007 and come under the revised scale with effect from 01.01.2008 as per G.O.Ms.No.240 (Pay Cell) department dated 22.07.2013 issued by the Principal Secretary to Government, Finance (Pay Cell) Department, the first respondent herein. But till date, the first respondent has not passed a final order although the papers were sent by the District Collector through the Revenue Divisional Officer.

2.By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

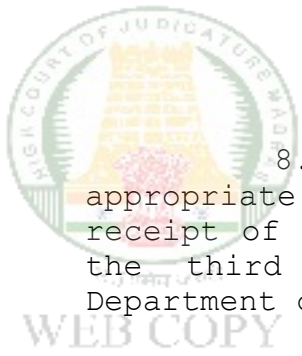
3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The petitioner was retired from service in the year 2008-09 and he has come to this Court seeking issuance of writ of mandamus directing the respondents to consider the representations of the petitioner dated 08.11.2013 and 01.04.2014 in accordance with law within the time stipulated by this Court.

5. In nutshell, the grievance of the petitioner is that after the petitioner attained the age of superannuation in the post of Special Tahsildar(SSS) on 29.02.2008, the Government of Tamilnadu, by issuing G.O.Ms.No.242, Fiance(Pay Cell) Department dated 22.07.2013, has revised the scale of pay of the Tahsildar to Rs.9300-34800+Grade Pay Rs.5100+ Rs.1000 per month as Special Allowances. Thereafter, G.O.Ms.No.240 Finance (pay cell) Department dated 22.07.2013 has been issued by the Government for exercising their re-option to come over to the revised scale of pay between 01.01.2006 and 31.05.2009 as one time measure to the advantage of the employees.

6. The petitioner in pursuance to the said G.O.Ms.N.240 dated 22.07.2013 has exercised his re-option as mentioned above to retain to the scale of pay and Dearness Allowance for the period upto 31.12.2007. The format given by the petitioner in Schedule - 4 dated 11.10.2013 shows that the petitioner held the post of Tahsildar in the scale of pay of Rs.7,500-250-12000/-, upgraded scale of pay with effect from 12.12.2007, has agreed to to retain the existing scale of pay and Dearness Allowance upto 31.07.2007 and is willing to come under the revised scale of pay with effect from 01.01.2008. This has been forwarded by the Revenue Divisional Officer, Aranthangi, the third respondent to the first respondent through the second respondent in his proceedings dated 11.10.2013.

7. A perusal of the same clearly shows that as per G.O.Ms.No.240, the petitioner has exercised his re-option within six months time. Therefore his case is required to be considered. However, the proposal sent by the Revenue Divisional Officer the third respondent to the first respondent through the second respondent till date is kept in cool storage. The petitioner, who is retired from service in the year 2008, deserves to see the result of the proposal well in time and expeditiously.



8. Therefore, this Court directs the first respondent to pass appropriate order within a period of three months from the date of receipt of copy of this order in the light of the recommendation sent by the third respondent along with G.O.Ms.No.240 Finance (pay cell) Department dated 22.07.2013.

9. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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PUDHUKKOTTAI.

+1cc to Mr.Pala Ramasamy, Advocate SR.No.55966

+1cc to The Special Government Pleader, Madurai. SR.No.56133

W.P.(MD)No.17172 of 2015

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NS/SKS-RR/19.11.2015 : 3P/7C