

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15440 of 2016

Dr.S.Narayanan

... Petitioner

.Vs.

The Treasury Officer/Pension Payment Officer,
Pension Payment Office,
PPO, Chennai-600 006.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to pay the pension as representation made by the petitioner dated 12.10.2015.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondent : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

The petitioner Dr.S.Narayanan, after serving as Special Grade Non-Medical Assistant Professor of Anatomy in Tamil Nadu Medical Service under the Director of Medical Education, retired from service on 02.12.1993. He is receiving pension in PPO No.A800518. It is the claim of the petitioner that the Government of Tamil Nadu has permitted the pensioners, retired between 01.06.1988 and 31.12.1995 to compute average emoluments notionally for the calculation of pension based on the Fourth Tamil Nadu Pay Commission Scales of Pay and with reference to the Dearness Allowance and Additional Dearness Allowance applicable in the pre-revised scales of pay sanctioned from time to time as Dearness Pay for the entire ten months preceding the date of retirement in Para (i) of G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013. After issuance of G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013, all those pensioners, who retired between 01.06.1988 and 31.12.1995 and who are alive on the date of issue of this order, can exercise the option for revision of pension ordered and they are opting for the benefit ordered in Para 14 above to enable the

respondent to regulate the pay of such employees in the Fourth Tamil Nadu Pay Commission Scales of Pay. In this connection, the petitioner has made a representation dated 12.10.2015 to the respondent, but his grievance has not been considered.

2.Learned Additional Government Pleader takes notice for the respondents.

3.Considering the fact that G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013, issued is squarely applicable to the petitioner, he is entitled for the issuance of the Writ of Mandamus.

Accordingly, this Writ Petition is disposed of, with a direction to the respondent to consider the representation of the petitioner dated 12.10.2015 and pass an order within a period of twelve weeks from the date of receipt of a copy of this order on merits and in accordance with law. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mps

To

The Treasury Officer/Pension Payment Officer,
Pension Payment Office,
PPO, Chennai-600 006.

1 cc to Mr.B.Nedunchezhiyan, Advocate, sr.26080

1 cc to Government Pleader, sr.26332

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