

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32626 of 2016

D.Nandhagopal

... Petitioner

vs.

1. The Secretary to Government,
Animal Husbandry Department,
Fort St. George, Chennai-9.
2. The Assistant Director,
Department of Animal Husbandry,
Veterinary Hospital Compound,
Thiruthani, Thiruvallur District.
3. The Accountant General
(Accounts and Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai-18.
4. The Treasury,
Treasury Office, Thirutani,
Thiruvallur District.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representations dated 26.10.2015 and 08.12.2015 with regard to payment of arrears of revision of pension of 2nd and 3rd instalments in the light of the proceedings No.PEN.EDP/PPD No.C304687/PCR/2010-11 dated 07.06.2010 of the 3rd respondent, within a stipulated time fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for Mandamus, directing the respondents to consider and pass orders on the petitioner's representations dated 26.10.2015 and 08.12.2015 with regard to payment of arrears of revision of pension of 2nd and 3rd instalments in the light of the proceedings No.PEN.EDP/PPD No.C304687/PCR/2010-11 dated 07.06.2010 of the 3rd respondent, within a stipulated time fixed by this Court.

3. The case of the petitioner is that he was appointed as Lab Attender on 11.04.1973 in the Institution of Veterinary Preventive Medicine, subsequently promoted as Junior Assistant in the year 1987 and thereafter promoted as Assistant in the year 1987 and Superintendent on 04.05.2006. While he was working as Superintendent on 30.09.2007, he was allowed to retire from service. Thereafter, consequent to the recommendations of the 6th Pay Commission, the arrears of scale of pay in the revised scale were paid to other employees as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 1st June 2009. Since the petitioner was not paid with the same, he made a representation to the respondents. Based on the same, the 2nd respondent by his proceedings bearing No.Na.Ka.497/A/2009, dated 26.04.2010 revised the pay scale of the petitioner in the post of Superintendent and ordered to pay the arrears in 3 instalments. The petitioner has paid the first instalment of arrears only. Therefore, the petitioner made representations dated 26.10.2015 and 08.12.2015 requesting to pay the 2nd and 3rd instalments. Since the same has not been paid, he is before this Court with this Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

5. Considering the facts and circumstance of the case and also considering the limited prayer made in the Writ Petition, without going into the merits of the claim made by the petitioner, the petitioner is directed to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

6. The writ petition is disposed of accordingly. No costs.
tsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Animal Husbandry Department,
Fort St. George, Chennai-9.
2. The Assistant Director,
Department of Animal Husbandry,
Veterinary Hospital Compound,
Thiruthani, Thiruvallur District.
3. The Accountant General
(Accounts and Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai-18.
4. The Treasury,
Treasury Office, Thirutani,
Thiruvallur District.

+ 1 cc to Mr.P.M.Jayachandran, Advocate Sr 52793

+ 1 cc to The Govt.Pleader, Sr 53494

KR/26/10/16

सत्यमेव जयते

W.P.No.32626 of 2016

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