

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33252 of 2016

Dr.S.A.Subhan

... Petitioner

vs.

1.The Principal Secretary to the Government,
Finance (PGC) Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Pension Pay Officer-Chennai,
E.V.K.Sampath Buildings,
DPI Compound,
College Road,
Chennai-6.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 12.08.2016 and pass necessary orders on the said representation in accordance with law.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.C.Jagadish,
Special Government Pleader

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 12.08.2016 and pass necessary orders on the said representation in accordance with law.

3. The case of the petitioner is that he was a retired Government Doctor and at the time of his retirement on superannuation on 30.06.1991, he was holding the post of Reader in Dermatology Department at Thanjavur Medical College. While so, as per the judgment reported by the Hon'ble Supreme Court of

India in S.L.P.Nos.8848 to 8870 of 2002, by order dated 17.01.2013, the Supreme Court has directed that the State Government shall compute the average emoluments and calculate the pension for the person who retired between 01.06.1988 and 31.12.1995 on the basis of the Tamil Nadu IV Pay Commission Scales of Pay with reference to the Dearness Allowance and Additional Dearness Allowance applicable to the pre-revised scale of pay sanctioned from time to time as Dearness Pay.

4. The further case of the petitioner is that even as per G.O.Ms.No.363 Finance Department, dated 23.08.2013, the 1st respondent has passed an order implementing that the person who retired between 01.06.1988 to 31.12.1995 are entitled to subsequent pension revision and further issued G.O.Ms.No.174, (Finance and Pay Department) dated 01.06.2009 and G.O.Ms.No.235 (Finance and Pay Department) dated 01.06.2009 in this regard. Accordingly, by proceedings dated 13.08.2005, the Principal Accountant General (AAD), Tamil Nadu, Chennai has authorized the revision of the petitioner's pension from 01.07.1991 to 31.12.1995 and the arrears have also been paid to him only up to 31.12.1995.

5. It is also the case of the petitioner that as per the orders of the Supreme Court, further revision of pension has to be given by the respondents for the enhancement given in the year 1998 as well as in the year 2009. But, in spite of various requests made by the petitioner, his grievance was not considered. In this regard, the petitioner has sent a representation dated 12.08.2016 to the respondents, but the same has not been considered so far. Hence, the present Writ Petition.

6. Heard the learned Counsel for the petitioner and the learned Special Government Pleader, who takes notice on behalf of the respondents.

7. Considering the facts and circumstances of the matter and also considering the limited prayer made in the Writ Petition, this Court directs the petitioner to send a copy of the representation dated 12.08.2016 along with a copy of this Order to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 2nd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, and also in the light of G.O.Ms.No.363, Finance Department, dated 23.08.2013, within a period of four weeks thereafter.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary to the Government,
Finance (PGC) Department,
Secretariat, Fort St. George,
Chennai-9.

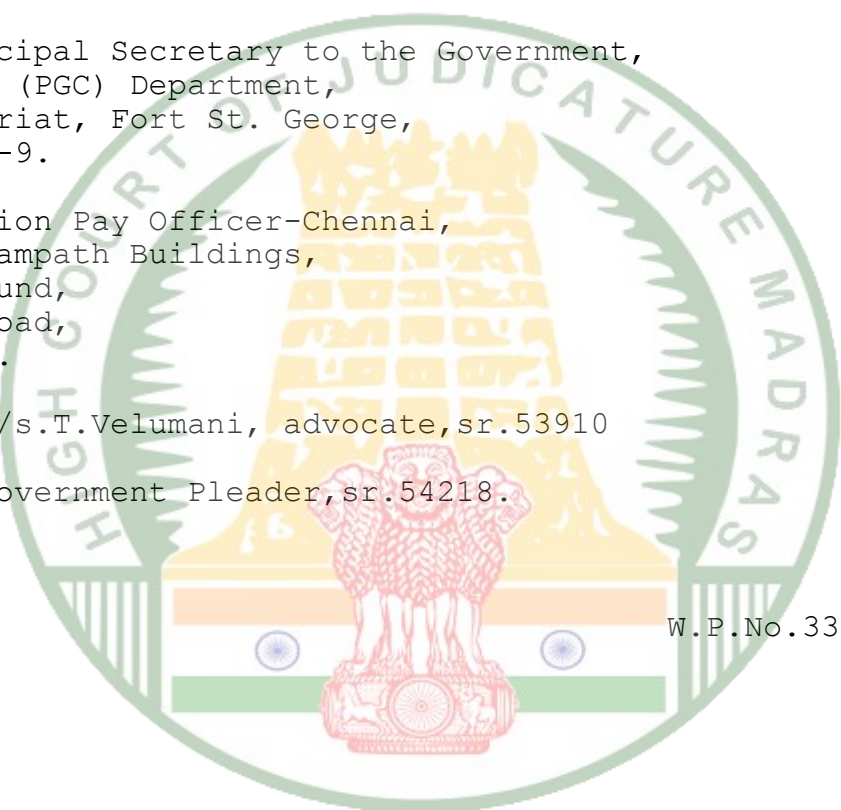
2.The Pension Pay Officer-Chennai,
E.V.K.Sampath Buildings,
DPI Compound,
College Road,
Chennai-6.

+1 cc to M/s.T.Velumani, advocate,sr.53910

+1 cc to Government Pleader,sr.54218.

Rp(co)
krd 28/10

W.P.No.33252 of 2016

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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