

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34364 of 2016

G.Kaliyamurthy

... Petitioner

Vs.

1.The Tahsildar,
Sankarapuram Taluk Office,
Villupuram District.

2.The District Collector,
Villupuram District.

3.The Accountant General,
Accounts & Entitlements,
Teynampet,
Chennai-600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pass orders on the proposal sent by the 1st respondent Tahsildar dated 21.02.2014, 21.03.2014 and 17.06.2016 to the 2nd respondent to grant selection grade and special grade pay to the petitioner in the post of Office Assistant and also further direct the respondents 1 & 2 to send the pension proposal to the 3rd respondent for sanction of the retirement benefits to the petitioner within a reasonable time.

For Petitioners

: Mr.M.Muthappan

For respondents

: Mr.S.N.Parthasarathi, GA

* * * * *

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to pass orders on the proposal sent by the 1st respondent Tahsildar dated 21.02.2014, 21.03.2014 and 17.06.2016 to the 2nd respondent to grant selection grade and special grade pay to the petitioner in the post of Office Assistant and also further direct the respondents 1 & 2 to

send the pension proposal to the 3rd respondent for sanction of the retirement benefits to the petitioner within a reasonable time.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows—

2-1. The petitioner joined as Office Assistant in the office of the 1st respondent on 01.02.1983 and thereafter, he was promoted as Junior Assistant with effect from 23.11.2012. The petitioner was superannuated from service on 31.01.2015. It is stated by the petitioner that the petitioner completed more than 20 years in the cadre of Office Assistant and before his promotion as Junior Assistant, the petitioner was not granted selection grade as well as Special Grade pay in the post of Office Assistant.

2-2. It is further stated by the petitioner that while serving as Office Assistant, the petitioner was ousted from service for want of vacancy for the period from 16.07.1992 to 09.09.1992 and thereafter, he was taken back for duty. The said period was not treated as duty for all purposes. Subsequently, the petitioner was placed under suspension from service for the period from 01.12.2000 to 03.07.2001 and the said period was treated as punishment. According to the petitioner, even if these two periods have not been taken for consideration, then also the petitioner is entitled for selection grade as well as special grade. But, the petitioner has neither been granted Selection Grade nor Special Grade, even after he was promoted as Junior Assistant. Even though the petitioner has been superannuated from service on 31.01.2015, no pension proposal has been sent in view of the fact that the period of suspension which the petitioner has suffered during the year 2001 has not been settled. Hence, the petitioner made representation to the 1st respondent. Based on the petitioner's representation, the 1st respondent has sent a proposal to the 2nd respondent as early as on 21.02.2014 mentioning all the details and sought for clarification. Again another proposal was sent by the 1st respondent for grant of Special Grade. The 2nd respondent sought for certain clarification from the 1st respondent on 29.03.2016, for which a detailed reply has been sent on 17.06.2016 to the 2nd respondent. But, thereafter, the 2nd respondent has not passed any orders. Since the proposal sent by the 1st respondent is pending with the 2nd respondent for a long time without any progress, the petitioner has come forward with the present writ petition for the relief as stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 2nd respondent to consider the proposals sent by the 1st respondent Tahsildar dated 21.02.2014, 21.03.2014 and 17.06.2016, with regard to grant of selection grade and special grade pay to the petitioner in the post of Office

Assistant, and to pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

-sd/-
Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

ssv

To

- 1.The Tahsildar,
Sankarapuram Taluk Office,
Villupuram District.
- 2.The District Collector,
Villupuram District.
- 3.The Accountant General,
Accounts & Entitlements,
Teynampet,
Chennai-600 018.

+1 cc to MR.M.MUTHAPPAN Advocate SR.NO. 56732
+1 cc to Government Pleader SR.NO. SR.NO. 56462

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W.P.No.34364 of 2016

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