

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.41316 OF 2016

V.Madappa

.. Petitioner

-Vs.-

1. The Treasury Officer,
District Treasury Office,
Krishnagiri-635 001.
2. The Assistant Treasury Officer,
Sub-Treasury, Hosur-635 109,
Krishnagiri District.
3. The Director of Treasuries & Accounts,
Panagal Buildings,
Saidapet, Chennai-15.
4. The Accountant General,
361, Anna Salai,
Chennai-600 018.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to re-fix the pension of the petitioner at Rs.9198/- p.m. w.e.f. 01.01.2011, as per the Government Letter No.14483/CMPC/2011-1, dated 05.01.2012 and as per the clarification issued by the 4th respondent dated 23.06.2016, within a time frame fixed by this Court.

For Petitioner : Mrs.Dakshayani Reddy
For Respondents : Mr.K.Dhananjayan,
1 to 3 Special Government Pleader

ORDER

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

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents herein to re-fix the pension of the petitioner at Rs.9198/- p.m. w.e.f. 01.01.2011, as per the Government Letter No.14483/CMPC/2011-1, dated 05.01.2012 and as per the clarification issued by the 4th respondent dated 23.06.2016, within a time frame fixed by this Court.

3. The case of the petitioner is as follows:

(a) The petitioner was originally appointed as Secondary Grade Teacher and subsequently, promoted as Elementary School Headmaster and retired w.e.f. 01.08.1988 after putting 28 years, 3 months and 24 days of service. At the time of retirement, the petitioner was drawing the pay scale in the Special Grade Elementary

School Headmaster i.e. Rs.2000-60-2300-75-3200 and granted with the pension of Rs.686/-. Subsequently, he was granted minimum pension of Rs.756/- w.e.f. 01.08.1988.

(b) While so, the pay scales were re-fixed vide the VI Pay Commission and as per G.O.Ms.No.174 dated 01.01.1996 and accordingly, his pension was re-fixed at Rs.2320/- w.e.f. 01.01.1996. Thereafter, it is again re-fixed vide G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 and subsequent of which, his pension was also revised vide G.O.No.235 dated 01.06.2009. Accordingly, the petitioner's pension was revised and re-fixed at Rs.5244/- p.m. Subsequently, the petitioner's pay was revised based upon the Government Letter No.51051/PC/2002, dated 06.10.2009 w.e.f. 01.07.2007.

(c) Subsequently, upon the request made by the various Associations, the Government issued letter No.14483/CMPC/2011-1 dated 05.01.2012 whereby the Government re-fixed the pay scale of the various posts and a separate pay scale was fixed for the Headmaster of Primary School in the Special Grade Scale of pay of Rs.15600-39100+5700/-.

(d) Now the grievance of the petitioner is that his minimum pension was fixed at Rs.5872/- only in the pay scale of Rs.9300-34800+4500. According to the petitioner, due to the introduction of the separate pay scales for Special Grade Primary School Headmaster at Rs.15600-39100+5700/-, the petitioner's pension has to be revised. After issuance of the said order, the petitioner addressed a letter to the respondents herein stating that his pension needs to be re-fixed at Rs.9198/- instead of Rs.5872/-.

(e) As a matter of fact, the Assistant Elementary Educational Officer also forwarded the said request of the petitioner to the 3rd respondent herein and the same was forwarded to the 2nd respondent vide letter dated 07.04.2016. Of course, the Accountant General Office has intimated the petitioner herein that the fixation of revision of pension based on para 2(vi) of the Government Order 235 has to be done by the concerned Treasury Officer, the 1st respondent herein. Though by proceedings dated 26.08.2014, the Assistant Elementary Educational Officer has already recommended for the petitioner's revised pension at the rate of Rs.9198/- as per the letter dated 05.01.2012 of the Government, the 1st respondent is seeking clarification from the Accountant General Office. Though the same has been clarified by letter dated 23.06.2016 by the Accountant

General, the pension of the petitioner has not been revised till date. Hence, the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader who has taken notice on behalf of the respondents 1 to 3.

5. Considering the facts and circumstances of the matter, this Court directs the petitioner to give a fresh representation to the respondents 1 and 2 along with a copy of this Order 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 1 and 2 are directed to consider and pass orders on the same, on merits and in accordance with law and also in the light of the Government Letter No.14483/CMPC/2011-1, dated 05.01.2012 and as per the clarification issued by the 4th respondent dated 23.06.2016, within a period of four weeks thereafter.

R.SUBBIAH, J.

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

24.11.2016

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Index : Yes/No

Internet:Yes/No

To

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Krishnagiri-635 001.
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