

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43203 of 2016

M.Sivasami

.. Petitioner

vs

1. Government of Tamil Nadu
Rep. By Secretary,
Higher Education,
Chennai - 9.
2. Pension Pay Officer,
College Road,
Chennai - 6.
3. Principal,
Government Arts College for Men,
Nandanam, Chennai - 600 035. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 26.09.20216 and revise the petitioner's pension in the pay scale of in the scale of Rs.37400-67000 + AGP Rs.9000 w.e.f. 1.1.2007 at the rate of Rs.23,2000/- as on 01.01.2007 with arrears as per Letter No.3391/E2/2012-2, dated 26.07.2012 issued by the 1st respondent.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.O.R.Mahesvaran

Government Advocate (Education)

ORDER

By consent this writ petition is taken up for final disposal.

2. The petitioner in the affidavit filed in support of this writ petition would aver among other things that he was appointed in Tamil Nadu Jail Department on 27.01.1959 as Probation Officer and and be got confirmation in the said post on 09.07.1965. The petitioner subsequently acquired M.A. English and applied for transfer of service for the post of Tutor in English in the Education Department in the year 1969 and he was appointed on 21.07.1969 and got his promotion as

Assistant Professor from 16.11.1969. The petitioner was reverted to the post of Tutor in English on 22.06.1971, in the year 1976, arbitrarily. The petitioner has also appealed to the concerned authority for regularisation of his services as Assistant Professor with effect from 21.07.1971 retrospectively with consequential and other benefits.

3. The petitioner was transferred and designated as upgraded Professor of English with effect from 21.07.1981 and worked in this capacity between from 01.04.1981 to 30.09.1988 and attained the age of superannuation on 30.09.1988 and was reappointed from 01.10.1988 to 31.05.1989 and his pension was fixed as Rs.606/-. The petitioner would further aver that his pension was revised periodically and at present, he was drawing a sum of Rs.35,816/- instead of Rs.59,160/-. The grievance expressed by the petitioner is that the first respondent had revised the pension to one K.S.Narayanan and accorded monetary benefits. In this regard the petitioner has sent a representation dated 26.09.2016 to the first respondent for refixing his pension with arrears and since no order has been passed, he has come forward with this writ petition.

4. Heard the submissions of Mr.O.R.Mahesvaran, learned Additional Government Advocate (Education) accepts notice on behalf of respondents 1 to 3.

5. Though the petitioner has prayed for larger relief, this Court in the lights of the facts and circumstances and without considering the merits of the claim projected by the petitioner directs the first respondent to consider and dispose of the petitioner's representation dated 26.09.2016 and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. Accordingly, the Writ Petition is disposed and no costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
Government of Tamil Nadu
Higher Education,
Chennai - 9.

2. Pension Pay Officer,
College Road,
Chennai - 6.

3. The Principal,
Government Arts College for Men,
Nandanam, Chennai - 600 035.

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W.P.No.43203 of 2016



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