



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.21409 of 2015

G.Rajamani

..Petitioner

Vs.

1.The Accountant General,  
Office of the Principal Accountant General,  
(Accountants and Entitlements) Tamil Nadu,  
361, Annasalai, Thenampettai,  
Chennai - 600 018.

2.The Assistant Elementary Educational Officer,  
Assistant Elementary Educational Office,  
Aranthangi, Pudukkottai District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to conclude the proceedings in Na.Ka.No.230/A4, dated 23.01.2014 forwarded by the second respondent and revise the petitioner's pension in the light of G.O.363, dated 23.08.2013 issued by the Finance Department, Government of Tamil Nadu.

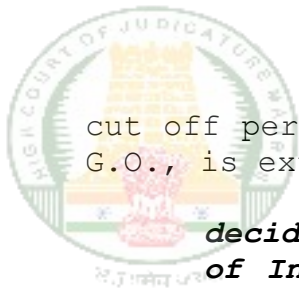
|                |                                                              |
|----------------|--------------------------------------------------------------|
| For Petitioner | : Mr.M.Suresh                                                |
| For R-1        | : Mr.P.Gunasekaran                                           |
| For R-2        | : Mr.T.S.Mohammed Mohideen,<br>Additional Government Pleader |

#### ORDER

This Writ Petition is filed seeking for a Mandamus directing the first respondent to conclude the proceedings in Na.Ka.No.230/A4, dated 23.01.2014 forwarded by the second respondent and revise the petitioner's pension in the light of G.O.No.363, dated 23.08.2013 issued by the Finance Department, Government of Tamil Nadu.

2. Heard the submissions made on either side.

3. The case of the petitioner is that he was a Secondary Grade Teacher working without promotion for more than ten years and retired from service on 31.01.1995. On the date of retirement the basic pay was Rs.913/- excluding other emoluments. Therefore, the petitioner approached the second respondent to grant him special grade as the petitioner was eligible for the same and also to revise his pension including special grade. However, order from the Government is awaited for placing of the employees under the Special Grade. There is also a Writ Petition filed to that effect which went upto the Supreme Court. Pursuant to the same, the State Government issued G.O.Ms.No.363, dated 23.08.2013. Based on which the petitioner's proposal for revised scale of pay was forwarded by the second respondent to the first respondent by the proceedings in Na.Ka.No.230/A4, dated 23.01.2014. But, there was no order passed by the first respondent thereafter. The petitioner claims that he is entitled to get the benefit of G.O.No.363, dated 23.08.2013 as he comes within the



cut off period as per. Following passage of paragraph No.14 of the said G.O., is extracted hereunder:

**"After careful consideration, the Government has decided to implement the orders of the Hon'ble Supreme Court of India, by extending the benefit of the orders issued in the reference ninth read above, to those who retired on or after 01.06.1988 upto 31.12.1995 with reference to the pre-revised scales of pay(i.e., scales of pay that existed prior to 01.06.1988)."**

4. According to the petitioner, similarly placed persons were granted the benefit of the above said G.O. Hence, the petitioner has made a representation on 30.04.2015 to the first respondent. But, there was no response. As the proceedings were pending before the first respondent in Na.Ka.No.230/A4, dated 23.01.2014, the petitioner had come up with the above Writ Petition seeking a direction to conclude the same.

5. The learned Additional Government Pleader appearing for the second respondent represented that the said proceedings were concluded on 19.10.2015 itself and therefore, the prayer sought for by the petitioner in this Writ Petition, is satisfied.

6. Though the approval of the first respondent is valid only till 19.02.2016, since it has already been done, it is for the petitioner to follow up to get the benefits of the above proceedings.

7. With the above observation, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)  
Madurai Bench of Madras High Court,  
Madurai-23.

To

1.The Accountant General,  
Office of the Principal Accountant General,  
(Accountants and Entitlements) Tamil Nadu,  
361, Annasalai, Thenampettai,  
Chennai - 600 018.

2.The Assistant Elementary Educational Officer,  
Assistant Elementary Educational Office,  
Aranthangi, Pudukkottai District.

+1cc to M/s.M.Suresh, Advocate in SR.8524

W.P(MD)No.21409 of 2015  
11.02.2016

pm

PBK/NGM-SS/SAR-I 15/02/2016 ::2P-4C:: (IT)