



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19024 of 2016

A.Selvam

... Petitioner

vs.

1)The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation water tank complex,
1st Floor, Dindigul Road,
Trichirappalli-620 001.

2)The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalai perur,
Tiruchirappalli.

3)The Bharidasan University,
Rep by its Registrar,
Palkalauperur,
Tiruchirappalli-620024.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to issue Audit Certificate in the light of proposal submitted by the 3rd respondent in his proceedings in Na.Ka.No.P1/045399/2015 dated 15.03.2016 and in the light of Audit Certificate issued to similarly placed persons viz., P.Kaliamurthy by the 2nd respondent in his proceedings in RC.No.258/A2/2015 dated 05.08.2015 and for M.Panner Selvam by the 2nd respondent in his proceedings in R.Dis.No.257/A2/2015 dated 29.07.2015 and by considering the petitioner's representation dated 27.04.2016 and 24.09.2016 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Venkatesh Kumar

For R1 & R2 : Mr.S.Kumar, Additional Government Pleader

ORDER

The petitioner is a retired Assistant Section Officer at Bharathidasan University, Trichy District; initially, the petitioner was appointed as Office Assistant on daily wage basis on 13.06.1991 in the 3rd respondent University; thereafter, the 3rd respondent absorbed the petitioner as Office Assistant in regular post in the time scale of pay; he was promoted as Record Clerk and subsequently as Junior Assistant; the post of Junior Assistant was re-designated as Assistant by the proceedings of the 3rd respondent dated 26.11.2001; the petitioner was awarded Selection Grade in the post of the Assistant with effect from 27.01.2006 by the proceedings of the 3rd respondent dated 01.03.2006; while the petitioner was serving as Assistant Section Officer, the 3rd respondent granted Selection Grade in the post of Assistant Section Officer to one Mr.R.Sakthivel with effect from 01.10.2008; the said Sakthivel was junior to the petitioner; the 3rd respondent by proceedings dated 12.12.2012, refixed the pay of the petitioner on par with R.Sakthivel, by awarding Selection Grade in the post of Assistant Section Officer with effect from 01.10.2008, on the basis of the representation submitted; the petitioner attained the age of superannuation on 31.03.2016; the 3rd respondent by proceedings dated 15.03.2016, sent a proposal to the 2nd respondent with regard to issuance of Audit Certificate, so as to enable the petitioner to get pension from the 3rd respondent, but the 2nd respondent by proceedings dated 30.03.2016, has informed that Selection Grade awarded to the petitioner and 14 others in the post of Assistant Section Officer, is contrary to G.O.Ms.No.68 and therefore, requested the 3rd respondent to re-submit the pension proposal after revising the scale of pay; this objection was not raised in the case of one P.Kaliamurthy and M.Panner Selvam who retired on 31.08.2014 and 31.07.2015 respectively and they got all retirement benefits without any Audit objection; as the cases of similarly placed persons have been considered and appropriate orders have been passed, the petitioner made representations to the 2nd respondent on 27.04.2016 and 24.09.2016 respectively, seeking to issue Audit Certificate in the light of the Audit Certificate issued to the similarly placed persons viz., P.Kaliamurthy and M.Paneer Selvam by the proceedings of the 2nd respondent dated 05.08.2015 and 29.07.2015 respectively; that representations have not been considered and therefore, this Writ of Mandamus has been filed to direct the 2nd respondent to issue Audit Certificate in the light of the proposal submitted by the 3rd respondent in his proceedings in Na.Ka.No.P1/045399/2015 dated 15.03.2016 and in the light of Audit Certificate issued to similarly placed persons viz., P.Kaliamurthy and M.Paneer Selvam by the proceedings of the 2nd respondent dated 05.08.2015 and 29.07.2015 respectively and by considering the petitioner's representations dated 27.04.2016 and 24.09.2016 respectively, within a time frame.



2.The learned Additional Government Pleader appearing for the 2nd respondent would submit that it is agreeable for the 2nd respondent to consider the representations of the petitioner dated 27.04.2016 and 24.09.2016 respectively, in the light the orders passed in respect of the similarly placed persons viz., P.Kaliamurthy and M.Paneer Selvam, within a time frame.

3.Recording the above submission, this Writ Petition is disposed of directing the 2nd respondent to consider the representations of the petitioner dated 27.04.2016 and 24.09.2016 respectively, in the light of Audit Certificate issued to similarly placed persons viz., P.Kaliamurthy and M.Paneer Selvam, by the proceedings of the 2nd respondent dated 05.08.2015 and 29.07.2015 respectively, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1)The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation water tank complex,
1st Floor, Dindigul Road,
Trichirappalli-620 001.

2)The Assistant Director,
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3)The Bharidasan University,
Rep by its Registrar,
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Tiruchirappalli-620024.

+1 cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.59058

+1 cc to Special Government Pleader SR.No.59115