



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.11.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.19398 of 2016

R.Palanimani

.. Petitioner

Vs.

1.The District Revenue Officer,
(Formerly designated as
Special Deputy Collector),
Kallar Reclamation,
Madurai - 625 020.

2.The Principal Accountant General,
(Accounts & Entitlement)
Government of Tamilnadu
No.361 Annasalai,
Chennai - 18.

.. 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 disburse the payment of revised scale of pay of the petitioner salary and pension to the petitioner on the basis of proceedings issued by the 1st respondent dated 09.02.2016 in Na.Ka.No.H.1/34966 of 2008 within the time stipulated by this Honble Court.

For petitioner

... Mr.B.Jameel Arasu

For R1

... Mr.T.S.Mohamed Mohideen

Additional Government Pleader

For R2

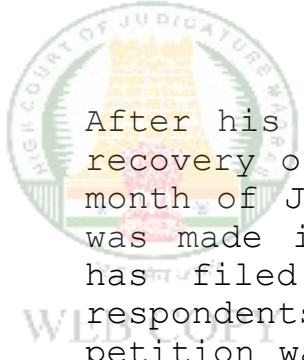
... Mr.P.Gunasekaran

O R D E R

This is a writ of Mandamus, seeking direction to the respondents herein to disburse the revised scale of pay of the petitioner's salary and pension to the petitioner, on the basis of proceedings issued by the 1st respondent dated 09.02.2016 in Na.Ka.No.H.1/34966 of 2008 within a stipulated time.

2.Heard the learned counsel for the petitioner and the learned AGP for R-1 and the learned Standing Counsel for R-2.

<https://hcservices.ecourts.gov.in/hcservices>
3.The petitioner was employed as Headmistress of Government Kallar Higher Secondary School, Papappatti, kallar Reclamation Department, Madurai and retired on superannuation on 30.05.2002.



After his retirement, the respondents have issued proceedings for recovery of a sum of Rs.61,433/- from her pension payable for the month of January, 2004, onwards on the ground that excess payment was made in her salary. Aggrieved over the same, the petitioner has filed W.P.(MD)No.3689 of 2008, seeking direction to the respondents therein to re-fix her scale of pay. The said writ petition was allowed by order dated 08.02.2011. Thereafter, as the respondents had not complied with the said order, the petitioner has filed Contempt Petition (MD)No.1039 of 2015. Thereafter, after notice in the Contempt Petition, the respondents have, instead of complying with the condition, filed W.A.(MD)No.970 of 2015 against the order made in W.P.(MD)No.3689 of 2008. On 01.03.2015, when the Contempt Petition was again listed, the learned Government Advocate appearing for the first respondent, has furnished the order dated 09.02.2016 as if the order of this Court has been complied with by re-fixing her correct salary. Thereafter, recording the said submission, the contempt petition was closed. But the order has been complied with only on papers and practically no action has been taken by the respondents with regard to disbursement of the re-fixed salary arrears to the petitioner till date. Thereafter, the petitioner sent representations to the District Collector and also to the respondents on 11.07.2016 and 03.09.2016 requesting them to send all the necessary papers required by the Office of the Accountant General, so as to settle her revised pay scale and pension on the basis of the orders passed by this Court. As there is no response, the petitioner has again filed the present writ petition.

4. Now, the learned Additional Government Pleader for the first respondent would submit that the revised order, after hearing the petitioner, has been submitted to the second respondent, by the communication dated 31.10.2016. The said proposal dated 31.10.2016 has been produced before this Court.

5. The learned counsel for the petitioner would submit that pay fixation has been done by the respondents and that he would also concede that opportunity of hearing was afforded to the petitioner by the first respondent and only thereafter, revised proposal has been sent.

6. Under such circumstances, now it is for the second respondent to consider the proposal dated 31.10.2016 and to pass orders within a period of two weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AS)



To

1.The District Revenue Officer,
(Formerly designated as
Special Deputy Collector),
Kallar Reclamation, Madurai - 625 020.

2.The Principal Accountant General,
(Accounts & Entitlement)
Government of Tamilnadu
No.361 Annasalai, Chennai - 18.

+1 cc to M/s.P.Gunasekaran, Advocate in SR.No. 68578

+1 cc to M/s.B.Jameel Arasu, Advocate in SR.No.67988

rj2/srk

CSL/SV-MMS/20.02.2017 :3P/5C

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