

In the High Court of Judicature at Madras

Dated : 10.4.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOAHANA RAO

and

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.921 of 2017 and W.M.P.No.906 & 907 of 2017

G.Ravichandran ...Petitioner

Vs

1.The Principal Accountant General,
O/o. The Principal Accountant General
(A & E), No.361, Anna Salai,
Chennai-18.

2.The Branch Officer, O/o. The Chief
Accountant General (A & E),
No.361, Anna Salai, Chennai-18. ...Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call
for the records pertaining to the impugned order passed by the
second respondent in No.PO2/I/ 10219432/ADK dated 19.7.2016,
quash the same and direct the respondents to re-fix the
petitioner's pension as per the proposal sent by Judicial
Magistrate No.II, Sankari in Roc.1142 1143/2016 dated 11.5.2016
as per the direction of this Court in W.P.No.25215 of 2014,
dated 07.1.2015.

For Petitioner : No appearance

For Respondents : Mr.T.Ravikumar

Order of the Court was made by NOOTY.RAMAMOAHANA RAO,J

This matter is listed as a first item in the list today.
However, a request is made to pass it over, which we do not
consider it appropriate to accede.

2. The learned counsel, who represented the matter, is not
willing to get along.

3. This writ petition is filed calling in question the correctness of the orders passed by the Accountant General on 19.7.2016. The Accountant General had, in fact, returned the service book of the writ petitioner for the following reason :

"5% personal pay is admissible to Senior Bailiffs, who were holding the post on 1.8.1992 and 1.9.1998 and hence, so long as they continue to hold the said post, personal pay would be payable."

Therefore, unless an order is passed by the State Government relating to admissibility of 5% personal pay to the writ petitioner, the same is not liable to be considered or accepted.

4. Mr.T.Ravikumar, learned Standing Counsel for the respondents has drawn our attention to the judgment rendered by us on 10.3.2017 in W.P. No.6754 of 2015 wherein erstwhile Assistant Section Officer of this Court instituted the said writ petition seeking personal pay from August 1992 in terms of the order passed by the State Government in their G.O.Ms.No.664 Finance (Pay-Cell) Department dated 24.8.1992.

5. The matter has been examined by us in detail and we have noticed different scales of pay suggested to various posts and that persons, who were drawing the scale of pay, which is higher than that of the Record Clerks, who were drawing the pay scale of 475-775, are not entitled to seek payment of 5% personal pay. We have also noticed that with a view to offset, the disadvantage that has fallen out from inappropriate revision of pay scales, the State Government passed orders through their G.O.Ms.No.664 dated 24.8.1992, granting such cadres, made a mention thereof in the said order, personal pay at the rate of 5%. Senior Bailiff is not one of those cadres, to whom, 5% personal pay was extended.

6. In the instant case, the petitioner joined the service as Junior Bailiff/ Process Server on 22.1.1987 and he was promoted as a Senior Bailiff on 18.9.2000 and as a Junior Assistant on 2.5.2011. He was also promoted as Assistant on 12.12.2011 and then he ultimately retired voluntarily on 31.12.2011. Therefore, he is not entitled to seek the benefit of payment of personal pay as per the orders contained in G.O.Ms.No.664 Finance dated 24.8.1992. For the detailed reasons assigned by us in the order made in W.P.No. 6754 of 2015 dated 10.3.2017, we are convinced that there is no merit in this writ petition.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, the above WMPs are also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RS
To

1.The Principal Accountant General,
O/o. The Principal Accountant General
(A & E), No.361,
Anna Salai, Chennai-18.

2.The Branch Officer,
O/o. The Chief Accountant General (A & E),
No.361, Anna Salai,
Chennai-18.

+2cc to M/S.T.Baskaran, Advocate Sr.21689
+1cc to M/S.T.Ravikumar, Advocate Sr.21782

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WMP.Nos.906 & 907/2017

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srg 19/04/2017

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