

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40215 of 2002

B.N.Rangachari (Deceased)

Tmt.P.N.Santha

(Legal heir brought on record as per order
dated 30.06.2017 vide W.M.P.No.109/2002)

... Petitioner

Vs.

1. The District Elementary Educational Officer,
Salem.

2. The Assistant Elementary Educational Officer,
Salem Rural, Salem.

3. The Secretary,
Mahatma Gandhi Ninaivu Kalvi Nilayam
Middle School,
Bodinaickenpatti, Salem – 636 005.

4. The Principal Accountant-General,
(A. & E.) Tamil Nadu, Chennai – 600 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents herein, to fix the Special Grade scale of pay of the petitioner in the revised scale of Rs.9100-275-14050 with effect from 01.01.1996 and to send revised pension proposals on the basis of such revised scale of pay and to disburse the monetary benefits thereon including arrears.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.Zahir Hussain for R1 & R2

Mr.M.Vijayashankar for R4

O R D E R

The writ petitioner was appointed as Secondary Grade Teacher in Mahatma Gandhi Ninaivu Kalvi Nilayam, Bodinaickenpatti, Salem on 28th July, 1964, and thereafter promoted as Middle School Head Master on 11th June, 1969. The writ petitioner was sanctioned Selection Grade in the said post and the Special Grade also. The petitioner retired from service on attaining the age of superannuation on 31st January, 1997.

2.The grievance set out in the present writ petition is that the writ petitioner is entitled for Revision of Scale of Pay pursuant to the order passed by the Government in G.O.Ms.No.427, Finance (PC) Department, dated 28th August, 1998. In this regard, the writ petitioner has submitted an application to the competent authority.

3.Today (30.06.2017), the fourth respondent/Accountant General filed the counter statement. On perusal of the counter

statement, this Court is able to find that the second respondent has forwarded the revised proposal pertaining to the claim of the writ petitioner in March 2002 with reference to the Sixth Pay Commission revision of Scale of Pay. Accordingly, the pensionary benefits were also revised through orders dated 5th April, 2002.

4. The learned counsel appearing for the writ petitioner admitted the fact that except the benefit conferred under G.O.Ms.No.427 Finance (PC) Department, dated 28th August, 1998, all other benefits for which the writ petitioner is entitled was not disbursed in favour of the petitioner. Therefore any grievance with regard to all other terminal benefits in respect of the said G.O.Ms.No.427, the proposals were forwarded and the fourth respondent in letters dated 11th June, 2003 and 25th September, 2003, respectively requested the respondents 1 to 3 to forward the revised proposals after carrying out the re-fixation of pay. However, in respect of the writ petitioner in this regard, so far as the fourth respondent is concerned, which is a neutral agency and unless the respondents 1 to 3 forward the revised proposal, the fourth respondent will not be in a position to consider the case of the writ petitioner. It is the obligation on the part of the respondents 1 to 3 to

re-consider the issue in accordance with the Government Order in this regard.

5.The fourth respondent also stated that the third respondent is the competent authority to re-fix the pay of the writ petitioner. Such being the case, this Court is inclined to direct the third respondent to submit the revised proposal to the competent authority viz. the respondents 1 and 2 and in accordance with the Government Order on the subject and thereafter, send the completed proposals enabling the fourth respondent to consider the issue in entirety and take appropriate decision in this regard within a period of eight weeks from the date of receipt of a copy of this order and on receipt of such proposal, the fourth respondent shall communicate the decision to the writ petitioner within a period of eight weeks thereafter.

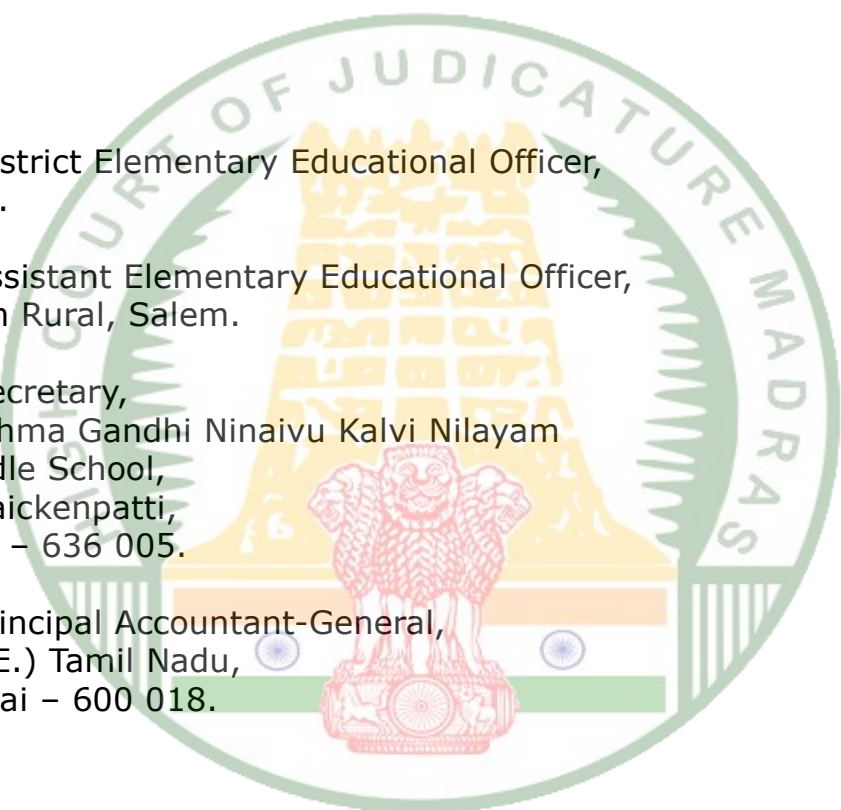
With this observation, the writ petition stands disposed of accordingly. No costs.

30.06.2017
(½)

Index:Yes/No
abr

To

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Salem – 636 005.
4. The Principal Accountant-General,
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The seal of the Tamil Nadu Legislative Assembly is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "TAMIL NADU LEGISLATIVE ASSEMBLY" are written in a circular path around the central image. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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S.M.SUBRAMANIAM,J.

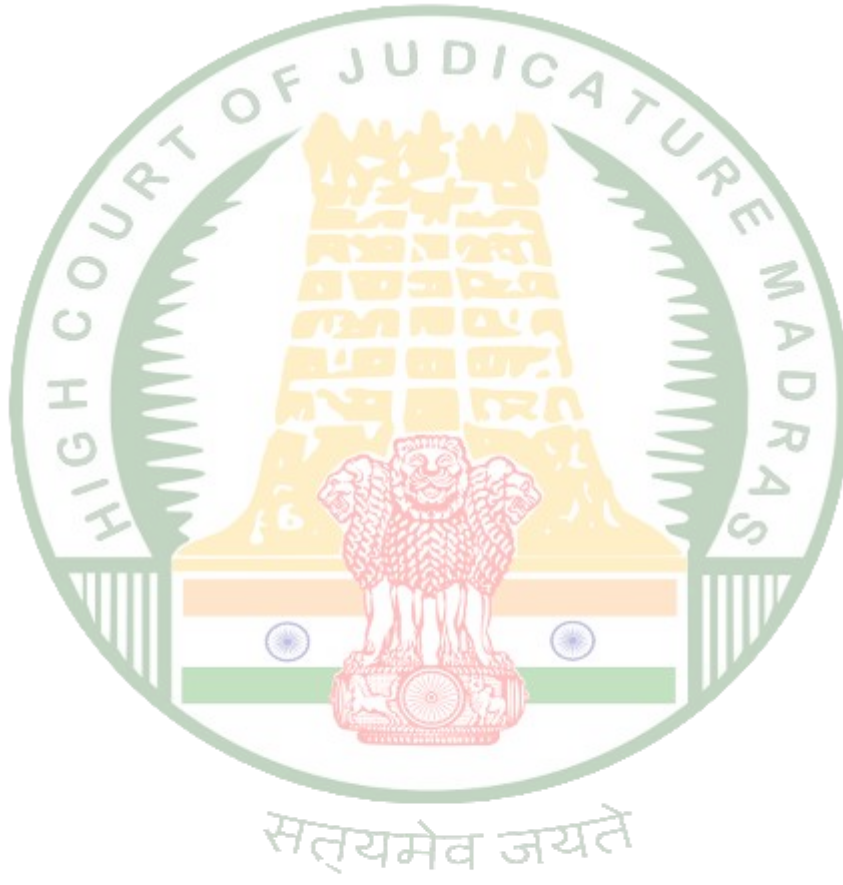
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