

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2394 of 2017

Dr.N.Krishnamurthy

... Petitioner

Vs.

1. Govt. of Tamil Nadu
Rep. By its Secretary,
Finance Department,
Fort St. George, Chennai - 600 009.

2. Govt. of Tamil Nadu,
Rep. By its Secretary,
Higher Education, Chennai.

3. Director of Collegiate Education,
College Road, Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents 1 and 2 to modify the G.O.ms.No.106, dated 14.05.2015, Higher Education Department (E2) and direct the respondents to pay the pension arrears of petitioner for the period from 01.01.1996 to 01.01.2015.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner has retired as Post Graduate Professor of Commerce from Sri Vasavi College, Erode on 31.05.1985 and at the ripe of 90 years, came forward to file this writ petition on the ground that one Professor K.S.Narayanan, V.O.C. College, Tuticorin, was similarly placed like him was given the benefit of revised pension of Rs.37,400-67,000 with additional grade pay of Rs.9,000/- vide proceedings of the second respondent dated 26.07.2012 in letter No.3391/E2/2012-2 and in this regard has

also submitted a representation dated 29.06.2016 to the respondents and since no orders have been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would contend in the light of the fact that the person similarly placed viz., Professor K.S.Narayanan, was conferred with such a benefit, the petitioner is also entitled to the same and prays for appropriate orders.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondent would submit that the claim is hopelessly barred by limitation and also hit by delay and laches and as such the petitioner is not entitled to any relief and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner prayed for the larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 29.06.2016, on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar (CCC)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary,
Govt. of Tamil Nadu
Finance Department,
Fort St. George, Chennai - 600 009.

2. The Secretary,
Govt. of Tamil Nadu,
Higher Education, Chennai.

3. Director of Collegiate Education,
College Road, Chennai - 600 006.

+1 CC to Mr. R. Subramanian, Advocate sr 6695
+1 CC to The Govt. Pleader sr 6435

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NM(CO)
sp/6/2



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