



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD) No.10180 of 2014

S.Muthulakshmi

... Petitioner

-vs-

1. The Director of Elementary Education,
Office of Elementary Education,
DPI Campus,
Chennai.
2. The District Elementary Educational Officer,
District Elementary Education Office,
Trichirappalli.
3. The Assistant Elementary Education Officer,
Elementary Education Office,
Thathiengarpet,
Trichy District.
4. The Principal Accountant General of Tamil Nadu,
(Accounts & Entitlement) Teynampet,
Office Accounts General,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 11.06.2012 for re-fixing the pay scale of petitioner's husband.

For Petitioner	:	Mr.N.R.Balaji
For R1 to R3	:	Mr.V.Muruganantham Addl. Govt. Pleader
For R4	:	Mr.P.Gunasekaran Central. Govt. standing counsel

O R D E R

This writ petition has been filed by the petitioner directing the respondents to consider and pass appropriate orders on the petitioner's representation, dated 11.06.2012 for re-fixing the pay scale of petitioner's husband.



2.The grievance of the petitioner is that her husband U.Sellakutti was working as Headmaster from 29.10.1955 and he was transferred to various schools and after completing 31 years and 7 months of service, he retired from service on 30.05.1987. At the time of retirement, he worked as Additional Headmaster at Panchayat Union Middle School, Mahadevi, Thathiengarpet Panchayat Union, Musiri Taluk, Trichy District. After his retirement, his pension was calculated only for the service as Secondary Grade Assistant Teacher. His last monthly salary and pay scale is Rs.1,265/- with effect from 01.10.1986 in the pay scale 780-35-1025-40-1385. His pension was issued from 01.06.1987.

3.Though the petitioner's husband was designated as Additional Headmaster his Rank is Secondary Grade Assistant Teacher, the person who was directly appointed as Head Master had drawn the pay of Rs.8000-250-13500. But the petitioner's husband had drawn the pay scale of 780-35-1025-40-1385. During superannuation the petitioner's husband pay scale was not fixed. Hence, he was forced to sent a representation to the respondent to re-fix the pay scale and no steps has been taken by the respondent to re-fix the pay scale.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the third respondent is the concerned authority, who has to look into the matter and filed the counter to that effect. It is seen from the counter that the petitioner's husband was appointed as Secondary Grade Teacher and retired from service on 31.05.1987 as Secondary Grade Teacher at Panchayat Union School, Mahadevi, Thathaiyangarpet Panchayat Union, Musiri Taluk, Trichy District and obtained the pension, as per rules with effect from 01.06.1987. It is further submitted that the petitioner's husband died on 17.12.2000 and the petitioner was receiving the family pension with effect from 18.12.2000, according to the pension rules. It is also submitted that the pension of the deceased Sellakutti was sanctioned by the competent authority according to the pay last drawn by him, as per the Rules of the pension and after the retirement, as per the rules of the new pay commission, the pension was revised by the concerned authority and the revised pension was sanctioned to the deceased employee.

5.He further submitted that after the death of the petitioner's husband, the petitioner is receiving the family pension as per the pension rules and the petitioner sent the representation on 30.10.2012 for the revised family pension as per the G.O.No.200/Finance (Pay Cell), dated 18.05.1999. The petitioner was instructed to rectify the defects vide proceedings Aa.Thi.Mu.No.6/A1/2011, dated 02.02.2011 of the third respondent. <https://hccservices.echms.gov.in/services> Sent the petitioner has failed to send the above said required particulars till date to the third respondent and the petitioner sent the representation again and again on 30.12.2010, 14.02.2011,

18.05.2011 and 11.06.2012 to the respondents without furnishing the particulars as required in letter No.6/A1/2011, dated 02.02.2011. Hence, they were not able to revise the pay scale.

6.Considering the nature of the prayer sought for in the writ petition and the submission of the learned counsels, without going into the merits of the case, this Court directs the petitioner to submit all the necessary documents, which has been called for by the third respondent, within a period of 10 days from the date of receipt of a copy of this order and the third respondent is directed to consider the same in accordance with law and revise the same, if the said person is eligible for such revision as per law. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
Office of Elementary Education,
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4. The Principal Accountant General of Tamil Nadu,
(Accounts & Entitlement) Teynampet,
Office Accounts General,
Chennai.

+ 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 91762
+ 1 cc TO The Special Government Pleader in SR No. 91679

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AE/KK/SAR3/02.02.2018/3P/7C

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