



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition (MD) No.20236 of 2014

N.Rathinaraj

... Petitioner

Vs.

1.The Registrar General,
(Administration),
High Court,
Chennai 600 104.

2.The Principal Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai,
Chennai 600 018.

3.The Pay and Accounts Officer,
Ulaganeri, Madurai 625 023.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to revise the petitioner's scale of pay as per the G.O.Ms.No.647 Home (Courts.I) Department dated 19.7.2010 at Rs.76,450/- together with all the other statutory payments and revised the pension amount with effect from 1.10.2010 and pay the petitioner all differences of pay and allowances and such other monetary benefits and revise the pension amount accordingly by considering the representation dated Nil in the month of September 2011 made by the petitioner to the 3rd respondent within a time frame as may be fixed by this Court.

For Petitioner	: Mr.S.Subbiah
For Respondents 2&3	: Mr.P.Gunasekaran
For 1 st Respondent	: Mr.G.Thalaimutharasu

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM,J**)

The petitioner, who retired as Principal District Judge (Super Time Scale) is before this Court, seeking for appropriate direction upon the respondents to revise scale of pay as per the representation made in G.O.Ms.No.647 Home (Courts) Department, dated 19.07.2010 at Rs.76,450/- together with all other statutory payments and revised pension amount with effect from 01.10.2010

and pay all differences of pay and allowances and other monetary benefits.

2.From the typed set of documents, we find that the petitioner has been submitting representations to the third respondent, namely, the Pay and Accounts Officer, Ulaganeri, Madurai which had not been considered.

3.Learned counsel for the third respondent would submit that as and when a proposal is received from the employer, the Pay and Accounts Office will verify the correctness of the same and if found to be permissible then, they will issue appropriate authorisation. This procedure is adopted because the service register and other particulars of a serving employees as well as retired employees are maintained by the office of the third respondent.

4.Learned counsel for the petitioner submitted that in terms of G.O.No.647, Home Courts I Department, dated 19.07.2010, the Government complied with the directions issued by the Hon'ble Supreme Court and accorded sanction to implement the recommendations of the One Man Commission headed by Justice E.Padmanabhan and accordingly, order for revision of pay scales in respect of Judicial Officers of the State of Tamil Nadu was passed wherein at paragraph No.3, a tabulation has been given showing the revision of scale of pay of Rs.76,450/- from the existing scale of pay of Rs.24,850/-. However, while fixing the petitioner's revised pay, it had been wrongly fixed as Rs.73,370/- instead of Rs.76,450/-. This is the grievance expressed by the petitioner in the representation dated submitted during September 2011.

5.Thus, considering the above facts, we deem it appropriate to direct the petitioner to submit a fresh representation to the first respondent along with a copy of this order with a request to forward the same to the respondents 2 and 3, for appropriate action. The first respondent, while forwarding the proposal shall offer their remarks, on the petitioner's representation/entitlement which shall be considered by the respondents 2 and 3.

6.In the light of the above, the writ petition stands disposed of by directing the petitioner to give a fresh representation to the first respondent along with a copy of this order for onward transmission to the respondents 2 and 3 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall verify the relevant records and forward the same to the respondents 2 and 3 with appropriate remarks, within a period of three weeks thereafter. The second and third respondents are directed to pass orders on the representation sent by the first respondent, within a period of four weeks therefrom. No costs.

Sd/-

Assistant Registrar(CS-I)



To

1.The Registrar General,
(Administration),
High Court,
Chennai 600 104.

2.The Principal Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai,
Chennai 600 018.

3.The Pay and Accounts Officer,
Ulaganeri, Madurai 625 023.

+1cc to M/s. P.GUNASEKARAN Advocate in SR. No.50354
+1cc to M/s. G.THALAI MUTHARASU Advocate in SR. No.50009
+1 CC TO Mr.S.Subbiah, Advocate SR.No.19278
SMS
JS/JC/SAR.4/12.04.2017/3P-7C

Writ Petition (MD) No.20236 of 2014
03.04.2017