



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.5490 of 2014 and
M.P. (MD) .No.1 of 2014

S.Natarajan

... Petitioner

vs.

1. The Accountant General of Tamilnadu(A&E),
No.26, Annasalai, Chennai - 18.

2. The Director,
Director of Rural Development, Chennai.

3. The District Collector,
Thanjavur, Thanjavur District.

4. The District Collector,
Thiruvarur,
Thiruvvarur District.

5. The District Collector,
Nagappatinam,
Nagapattinam District.

6. The Block Development Officer,
Muthupettai Union,
Thiruvarur District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to approve the petitioner's revised pension proposal, dated 14.09.2013 and direct the first respondent to get the petitioner's Service Register from the third respondent on the basis of the petitioner's representation, dated 03.03.2014.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.S.Kumar

Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the first respondent to approve the petitioner's revised pension proposal, dated 14.09.2013 and direct the first



respondent to get the petitioner's Service Register from the third respondent on the basis of the petitioner's representation, dated 03.03.2014.

2. The case of the petitioner is as follows:

The petitioner is a senior citizen, aged about 80 years residing in Madurai, who was working in the State Government and retired as Block Development Officer. Originally he was appointed as a Lower Divisional Clerk in Chengalpattu District on 06.09.1957. Then, transferred to Deputy Panchayat Office at Seiyar, where he worked for two years. On 03.05.1959, he was transferred to Regional Inspector of Municipality and local court at Madurai. After, he was transferred to Additional District Panchayat Office and subsequently transferred to Revenue Divisional Office at Madurai and after 7 months, he was worked as Junior Assistant in Dindigul Sub Collector Office and in the month of August 1962, he was promoted as Revenue Divisional Officer and worked at Thoppan Panchayat Union at Palani. Thereafter he was transferred to Tiruparankundram Panchayat Union and Divisional Development Office at Madurai and worked as Revenue Divisional Officer. Further he was promoted as Block Development Officer in the year 1991 at Muthupettai, Tiruvarur District and worked there in the year 1991-1992. Finally he worked there as Block Development Officer and got superannuation on 31.05.1991 and retired on 31.10.1992. He got pension from 01.06.1991 till date.

3. To support his contention, the learned counsel for the petitioner cited the Government Order in G.O.No.363, dated 23.08.2013 relates to the revision of pension, wherein paragraph 14 reads as follows:

" 14. After careful consideration, the Government has decided to implement the orders of the Hon'ble Supreme Court of India, by extending the benefit of the orders issued in the reference ninth read above, to those who retired on or after 01.06.1998 upto 31.12.1995 with reference to the pre-revised scales of pay (i.e scales of pay that existed prior to 01.06.1998). Accordingly, Government direct that.

(i) the pensioners who have retired between 01.06.1998 and 31.12.1995 shall be permitted to compute average emoluments notionally for the calculation of pension based on the Fourth Tamil Nadu Pay Commission scales of pay and with reference to the Dearness Allowance and Additional Dearness Allowance applicable in the pre-revised scale of pay retired from time to time as Dearness Pay for the entire 10 months preceding retirement.

(ii) further, such of the pensioners who retired between 01.06.1998 and 31.12.1995 shall have the option to opt for the above formula of to retain the current pension, whichever is advantageous to them.

(iii) if the option is exercised for the pre-revised scale, the pensioners shall calculate the pension, the excess pay and allowance and terminal benefits, if any, drawn by them in the revised scale of pay prior to their retirement shall be waived as a



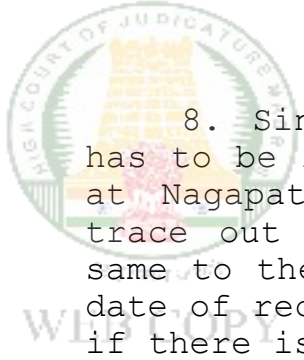
special case. To this effect, necessary amendment to Rule 30 of the Tamil Nadu Pension Rules, 1978, will be issued separately."

4. As per the above stated facts, he was entitled for revised pension. Hence, he sent a representation, dated 14.09.2013 to the sixth respondent to fix revised pension. Thereafter the third respondent has sent a communication in Na.Ka.No.7525/2013/N1, on 08.02.2014, that he has not maintained the Service Register in his office and all the representations sent were in vain. The petitioner sent a further representation to the fourth respondent on 12.02.2014 to find out his Service Register, wherein he also received a communication from the fourth respondent stating that himself as well as the third respondent has not maintained the petitioner's Service Register. While the petitioner was working as Block Development Officer at Muthupettai, the petitioner applied for alteration of his Date of Birth, at that time, the Director of Rural Development, Madras sent his Service Register to the third respondent, which has been mentioned in G.O.No.194, dated 26.04.1996 and the third respondent received the Service Register and acknowledged the same on 22.05.1996. Thereby it is clear that his Service Register is with the third respondent even without verifying the same, the respondents 3 and 4 simply replied that they have not maintained the petitioner's Service Register.

5. The learned counsel for the petitioner further stated that now the petitioner being a senior citizen, at the age of 80 years, struggling to run his day to day life having low pension and he was working as Government Servant for more than 35 years and he was made to run from pillar to post. Hence, he prayed that if this Court directs the third respondent to approve the revised pension proposal, based on his representation, dated 14.09.2013 and directs the first respondent to get the Service Register from the third respondent and pass any other orders considering the petitioner's representation, dated 03.03.2014 would be suffice to him.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

7. On hearing the learned counsels and going through various documents and the materials, it is seen that the Collector of Tiruvarur has given a reply that the petitioner's Service Register was not maintained in his office and it is in the Thanjavur Collector's Office. Hence, the petitioner has sent a letter to the Commissioner, Rural and Urban Development Department, DRD, Panagal Building, Saidapet, Chennai, to consider his representation and to get back his Service Register, which is in Thanjavur Collector's office and sent it to the Tiruvarur Collector to send the same to the Accountant General Office, who has to calculate the said revised pension and issue a revised order.



8. Since the petitioner being the senior citizen, the matter has to be looked into and the Collectors of Thanjavur and Tiruvarur at Nagapattinam District/Respondent Nos.3 and 4 are directed to trace out the Service Register of the petitioner and produce the same to the first respondent within a period of four weeks from the date of receipt of the copy of this order, to calculate the pension, if there is any revision has to be effected. On receipt of the same, the first respondent/Accountant General shall consider the same and then calculate the revised pension for the petitioner and issue revised Pension Order, within a period of six weeks thereafter, if he is eligible for such revised pension in accordance with law.

9. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Accountant General of Tamilnadu(A&E),
No.26, Annasalai, Chennai - 18.
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Thiruvarur, Thiruvarur District.
5. The District Collector,
Nagappatinam, Nagapattinam District.
6. The Block Development Officer,
Muthupettai Union, Thiruvarur District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 91118
+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 91198

PJL

TE/SKN-RSK/SAR-4 : 04/01/2018 : 4P/9C