

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3703 of 2018

S.Kandasamy

...Petitioner

Versus

1. The District Collector,
Namakkal District,
Namakkal.

2. The Revenue Divisional Officer,
Namakkal.

3. The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

4. The District Treasury Officer,
Namakkal District,
Namakkal.

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to regularise the pension of the petitioner as per Government Order No.363, Finance (PGC) Department dated 23.8.2013 and pay the pension with the above benefits.

For Petitioner : Mr.K.K.Senthilvelan

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to regularise the pension of the petitioner as per Government Order No.363, Finance (PGC) Department dated 23.8.2013 and pay the pension with the above benefits.

2. Learned Counsel for the petitioner submitted that the petitioner was originally appointed as Village Munsif and after abolition of Village Munsif Posts by the Government of Tamil Nadu, he was appointed as Village Administrative Officer on 4.11.1988 in Tho. Jedarpalayam Village, Rasipuram Taluk and subsequently, retired from service on 31.01.1995.

3. The learned Counsel for the petitioner further submitted that after a long time, the Government has issued G.O.No.363, Finance (PGC) Department dated 23.08.2013 stating

that the pay of the retired employees has to be regulated notionally from 1.6.1988 till their date of retirement. Based on the said Government Order, the petitioner made a representation dated 27.12.2013 to the 2nd respondent requesting to regularise his pension as per the said Government Order. But the same has not been considered.

4. The learned Counsel for the petitioner also submitted that this apart, when similar issue is ultimately taken to Supreme Court in C.A.Nos.8848 to 8870/2012 by Kallakurich Taluk Retired Official Association and other Associations, by judgment dated 17.1.2013, the Apex Court has extended the benefit of the Government Order issued in G.O.No.272, Finance (Pension) Department dated 15.6.1998 to those who retired on or after 1.6.1998 up to 31.12.1995 with reference to the pre-revised scales of pay. Following the same, G.O.No.363, Finance (PGC) Department dated 23.08.2013 has been issued. Seeking the said benefit, the petitioner has given several representations to the respondents 1 to 3. But the case of the petitioner has not been considered. Hence the present Writ Petition.

5. Mr.R.S.Selvam, learned Government Advocate taking notice for the respondents sought for four weeks to consider the petitioner's representation.

6. Placing on record the submission of the learned Government Advocate appearing for the respondents, the Writ Petition is disposed of by directing the respondents to consider the claim of the petitioner as sought for in his representations dated 28.8.2014, 6.7.2015 and 10.11.2016 and to dispose of the same in the light of G.O.No.363, Finance (PGC) Department dated 23.8.2013, within a period of four weeks from the date of receipt of a copy of this Order. No costs.

Sd/--

Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal.

2. The Revenue Divisional Officer,
Namakkal.

3. The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

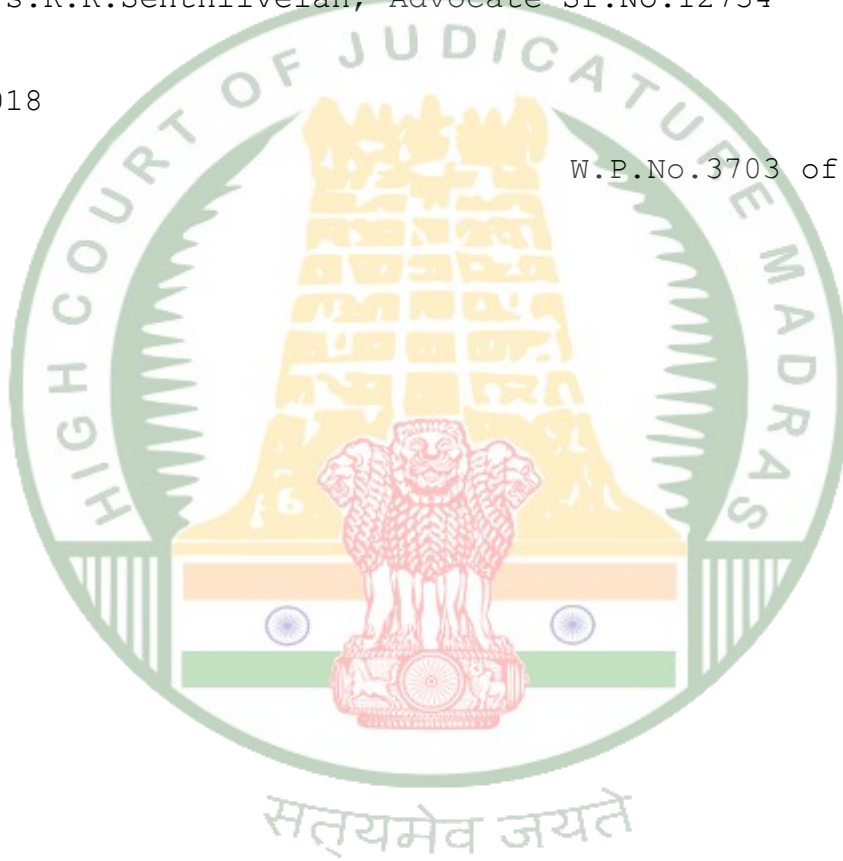
4. The District Treasury Officer,
Namakkal District,
Namakkal.

+1cc to the Government Pleader SR.No.13253

+1cc to M/s.K.K.Senthilvelan, Advocate Sr.No.12734

PPA(CO)
sm:14.3.2018

W.P.No.3703 of 2018



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