

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1808 OF 2017

K.Lakshmanan ... Appellant /Petitioner

Vs

- 1 The State of Tamil Nadu
rep by The Secretary to the Government
Education Department Secretariat Chennai-09
- 2 The Director of School
Education College Road Chennai-06
- 3 The District Educational
Officer Bhavani Taluk Erode District
- 4 The Accountant General (A&E)
A.G.Office Campus 361
Anna Salai Chennai-18 ... Respondents/Respondents

Appeal filed Under Clause 15 of the Letters Patent against the order of this Court dated 25/10/2017 passed in WP No 26971 of 2017.

Prayer in W.P.26971 of 2017:

Writ Petition filed Under article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to revise the pension in the light of G.O.Ms. No.446 dated 18.09.2007 Finance (Pay Cell) Department and pay the same to the petitioner with all arrears and revisions.

For appellant : Mr.R.Singaravelan, Senior Counsel,
for Mr.R.Jayaprakash

For Respondents : Mr.K.Karthikeyan, Government Advocate,
for respondents 1 to 3

Ms.Hema Muralikrishnan,
for 4th respondent

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The Writ Petition filed by a senior citizen, aged about 81 years, to direct the respondents to revise his pension in the light of the Government Order in G.O.Ms.No.446 dated 18 September 2007, was dismissed by the learned Single Judge, on the ground of delay and laches. Feeling aggrieved, the unsuccessful writ petitioner is before this Court.

2. We have heard the learned Senior Counsel for the appellant, learned Government Advocate for respondents 1 to 3 and the learned Standing Counsel for the fourth respondent.

3. The appellant was initially appointed to the post of Secondary Grade Teacher by direct recruitment. The appointment was on 25 July 1961. The appellant, after resigning the post, joined the service as Physical Education Teacher, on 7 February 1968. The appellant, on attaining the age of superannuation, retired on 31 May 1996.

4. The Government of Tamil Nadu issued an order in G.O.Ms.No.446 dated 18 September 2007 revising the pension, by classifying the pensioners into three categories. The appellant submitted a representation for revision of his pension on 3 July 2015 on the strength of the Government Order in G.O.Ms.No.446 dated 18 September 2007. His case was recommended by the Headmaster, Government High School, Olagadam, by proceedings dated 13 July 2016. However, there was no action taken by the office of the Accountant General, resulting in filing the Writ Petition. The learned Single Judge dismissed the Writ Petition solely on the ground of delay and laches.

5. Since the matter relates to pension and reliance is placed on a Government Order, we directed the learned Standing counsel for the Accountant General to take instructions as to whether there is any merit in the case pleaded by the appellant.

6. The learned Standing Counsel produced a copy of the letter dated 10 August 2016, sent by the office of the Accountant General to the Headmaster, Government Higher Secondary School, Olagadam, indicating that the pension of the appellant was fixed correctly and the same does not require any revision.

7. The learned Senior Counsel for the appellant on a perusal of the order dated 10 August 2016 and the calculation made by the office of the Accountant General, submitted that in case

opportunity is given, the appellant would prove that his pension was not correctly fixed and that it should be revised, taking into account the Government Order in G.O.Ms.No.446 dated 18 September 2007.

8. We therefore give liberty to the appellant to approach the office of the Account General to demonstrate that he is entitled to re-fixation of his pay and pension on the strength of the Government Order in G.O.Ms.No.446 dated 18 September 2007. We hope that the office of the Accountant General would look into the representation and resolve the issue as expeditiously as possible.

9. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected M.P.s, are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to the Government,
Education Department,
Secretariat, Chennai-09.
- 2 The Director of School Education,
College Road, Chennai-06.
- 3 The District Educational Officer,
Bhavani Taluk, Erode District.
- 4 The Accountant General (A&E),
A.G.Office Campus 361,
Anna Salai, Chennai-18.

+1cc to Mr.R.Jayaprakash, Advocate Sr.43884
+1cc to Mrs.Hema Muralikrishnan, Advocate Sr.43755
+1cc to the Government Pleader Sr.44048

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