

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.2775 of 2013

1. M.C.Bomman (Pensioner)
2. J.Mathan (Pensioner)
3. M.K.Mathan (Pensioner)
4. Bandan (Pensioner)
5. C.K.Maran (Pensioner)
6. Ammini (Pensioner)
7. P.Mahendran (Pensioner)
8. P.Ramasamy (Pensioner)
9. M.Mathan (Pensioner)
- 10.C.Natarajan (Pensioner)
- 11.Mathi (Family Pensioner)
- 12.K.Bommi (Family Pensioner)
- 13.Manbi (Family Pensioner)
- 14.M.Kali (Family Pensioner)
- 15.Bommi (Family Pensioner)
- 16.Vellai Ammal (Family Pensioner)
- 17.B.Kali (Family Pensioner)
- 18.Kulli (Family Pensioner)
- 19.Vellaichi (Family Pensioner)
- 20.Mari (Family Pensioner)
- 21.Badachi (Family Pensioner)
- 22.Mari (Family Pensioner)
- 23.Kethi (Family Pensioner)
- 24.K.Kali (Family Pensioner)
- 25.Manbi (Family Pensioner)
- 26.Karikki (Family Pensioner)
- 27.Badachi (Family Pensioner)
- 28.Kembi (Family Pensioner)
- 29.Mary (Family Pensioner)
- 30.Manbi (Family Pensioner)
- 31.Mari (Family Pensioner)
- 32.Rethi Mari (Family Pensioner)
- 33.Smt Mary (Family Pensioner)
- 34.M.C.Manbi (Family Pensioner)
- 35.Bommi (Family Pensioner)
- 36.Abiunisha (Family Pensioner)

...Petitioners

-vs-

1.The State of Tamil Nadu rep. by
its Secretary,
Finance (PC) Department,
Fort St. George,
Chennai - 600 009.

2.The Principal of Chief Conservator,
Forest Department,
Fort St. George,
Chennai - 600 009.

3. The Accountant General (A&E),
Teynampet,
Chennai - 600 018.

4. The District Forest Officer,
Uthagamandalam,
The Nilgiri. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, to direct the 1st respondent to consider the petitioners' representation dated 10.11.2012 on the sanction the 5% Basic pay as personal pay to the petitioners with effect from 27.06.1989 in the light of the High Court's Division Bench Order in W.P.No.26991 of 2007 dated 28.08.2007 and G.O.Ms.No.873, Finance (PC) Department, dated 27.12.1993 with all consequential service benefits.

For Petitioners :Mr.P.Sivakumar

For Respondent :M/s.A.Srijayanthi,
Special Government Pleader,
For R1.
Mr. M.Santhana Raman,
Additional Government Pleader,
(Forests),
For R2 & R4.
Mr.V.Murali,
For R3.

O R D E R

The relief sought for in this writ petition is to direct the first respondent to consider the petitioners' representation dated 10.11.2012 on the sanctioned and to sanction 5% Basic Pay as personal pay to the writ petitioners with effect from 27.06.1989 in the light of the order passed by this Court in W.P.No.26991 of 2007 dated 28.8.2007.

2. The learned counsel for the writ petitioners states that all the writ petitioners are Pensioners and Family Pensioners. The writ petitioners and the husbands of the Family Pensioners

were employed as Mahouts and Cavadies in the Forest Department. However, they are governed by the Tamil Nadu Forest Subordinate Service and their services are not governed by the Tamil Nadu Ministerial Service. The benefit of 5% personal pay was granted in respect of the Government employees governed under the Tamil Nadu Ministerial Service Rules and therefore, the said benefit and the Government orders are inapplicable in respect of the case of the writ petitioners.

3. This Court is of an opinion that the 5% personal pay was granted to rectify the anomaly aroused on account of the revision of pay, during the implementation of V Pay Commission with effect from 5.5.1988. In other words, 5% of Basic Pay was granted as personal pay to the writ petitioners only for the purpose of rectification of anomaly during the relevant point of time. However, the present writ petition is filed after a lapse of 25 years from the date of implementation of the 5% personal pay by the Government and this apart, the Family Pensioners cannot claim the personal pay now after a lapse of many years.

4. This apart, the writ petitioners were serving as Mahouts and Cavadies and so also the husbands of the Family Pensioners. The personal pay was implemented 25 years back and thereafter, two Pay Commissions were implemented by the State Government and the benefit of the revised scale of pay and the Pensioner benefits were settled in favour of the writ petitioners as well as the Family Pensioners.

5. This being the factum of the case, claim of the writ petitioners are highly belated. However, on merits also, the 5 % personal pay cannot be granted as the writ petitioners are not falling within the eligible category as per the Government Orders.

6. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svn/kmm

To

1.The Secretary,
State of Tamil Nadu,
Finance (PC) Department,
Fort St. George,
Chennai - 600 009.

2.The Principal of Chief Conservator,
Forest Department,
Fort St. George,
Chennai - 600 009.

3. The Accountant General (A&E),
Teynampet,
Chennai - 600 018.

4. The District Forest Officer,
Uthagamandalam,
The Nilgiri.

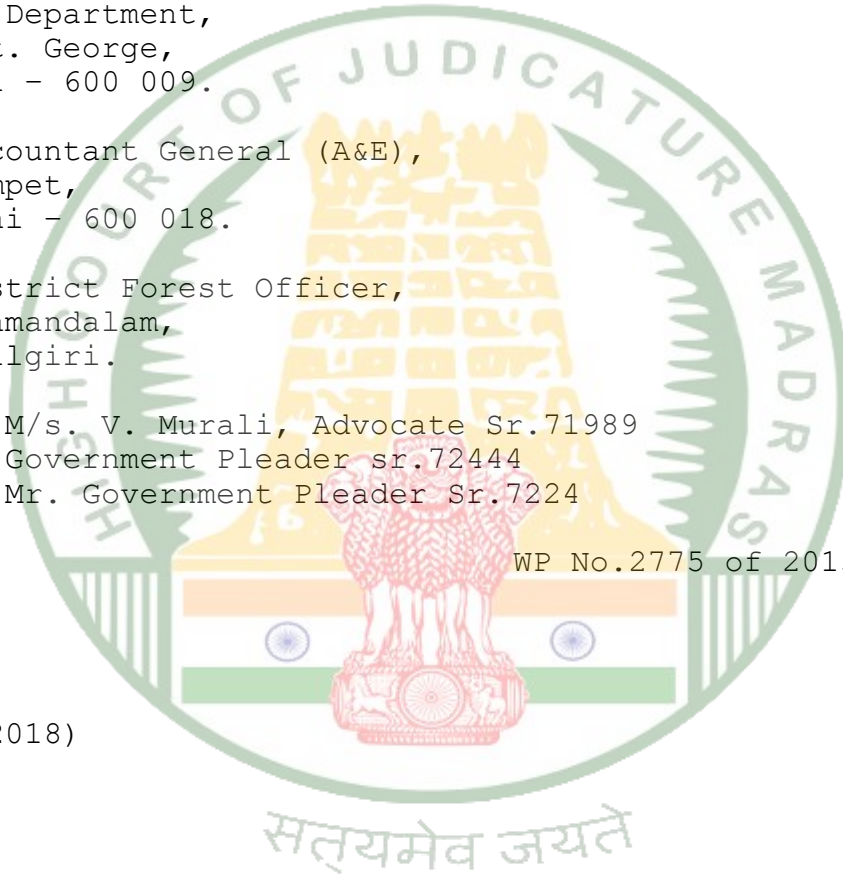
+ 1 cc to M/s. V. Murali, Advocate Sr.71989

+ 1 cc to Government Pleader sr.72444

+ 1 cc to Mr. Government Pleader Sr.7224

WP No.2775 of 2013

NRI (CO)
EU(13/11/2018)



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