

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.08.2018
CORAM
THE HON'BLE MR.JUSTICE R.MAHADEVAN
W.P.No.5523 of 2010

M.Kulandaisamy

...Petitioner

Vs

1.The Headmaster,
Govt. Boys' Higher Secondary School,
Ulundurpet, Villupuram Dist.

2.The Chief Educational Officer,
Villupuram,
Villupuram District.

3.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

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

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents 1 to 4 to pay wages of the petitioner for the period from 01.01.2006 to 31.05.2006 at Rs.1,21,900/- on the basis of revised salary of Rs.24,380/- as revised under G.O.MS.No.234, Finance (Pay Cell) Department, dt.01.06.2009, as per item 9 of the table No.19 in the said G.O less the pension paid for the period and fix his pension as per rules on revised basic salary of Rs.24,380/- per month and pay the arrears of difference between the pension already paid and revised pension from 01.06.2006.

For Petitioner : Mr.T.Arulraj

For Respondents : Mr.P.Raja,

Government Advocate, for RR 1 to 3
: Mr.V.Vijay Shankar for R4

O R D E R

The petitioner has come up with this writ petition to direct the respondents 1 to 4 to pay wages as per G.O.MS.No.234, Finance (Pay Cell) Department, dt.01.06.2009, vide item 9 of the table No.19 in the said G.O and fix his pension as per rules and pay the arrears.

(i) The petitioner joined the service as Physical Director(Higher Secondary) in Government Boys Higher Secondary School, Ulundurpet, Villupuram. Later, he applied for voluntary retirement with effect from 31.12.2005, when his scale of pay was Rs.8000-275-13500 as mentioned in his service register. But, he was not permitted to retire on that day by the concerned authorities.

(ii) Thereafter, the petitioner filed a writ petition in W.P.No.883 of 2006, directing the second respondent to permit him to retire as prayed for. This Court passed an order on 29.03.2006, directing the respondents to issue a formal relieving order to the petitioner, indicating that they relieved the petitioner from service from 31.12.2005 on voluntary retirement basis. But, he continued to work in the above said school till 30.04.2006, though he offered to retire from 31.12.2005. Thereafter, the petitioner was permitted to retire by the order of the respondents 2 and 3 dated 14.08.2006 and 23.08.2006.

(iii) In the said orders, the second and third respondents have stated that the petitioner has been relieved on 31.12.2005, though he actually worked in the school till vacation and has also drawn salary till 30.04.2006. According to the petitioner, he should have been allowed to work in the school till orders were passed by the respondents 2 and 3, but, the first respondent stopped him from attending school from 01.05.2006 onwards when the vacation started.

(iv) In the Meanwhile, on par with Sixth Central Pay Commission, Government of Tamil Nadu ordered pay revision to all the government employees, including teachers with effect from 01.01.2006 under G.O.MS No.234, dt.01.06.2009, Finance (Pay Cell) department. After such revision from 01.01.2006 the petitioner's pay was entered in the service register and on that basis, the petitioner claimed that he is entitled to hike in pay from 01.01.2006 to 30.04.2006.

(v) According to the petitioner, the pension as well as the family pension drawn by the petitioner was fixed on the basis of the old salary instead of fixing the same on the basis of revision. Therefore, the petitioner approached this Court by this writ petition to issue directions to the respondents as prayed for.

3. Today when the matter is taken up for consideration, the learned Government Advocate appearing for the respondents on instructions, submitted a memo of calculation, wherein, it has been stated that the petitioner is entitled to receive an amount of Rs.51,616/- , as per the revised pay.

4. Admitting the said calculation, the learned counsel appearing for the petitioner submitted that the same shall be settled with 12% interest.

5. Considering the facts and circumstances of the case and the long pendency of this case, this Court is inclined to direct the respondents to settle the amount of Rs.51,616/- along with 9% interest from June 2006 to till date and the same would meet the ends of justice. Such payment be made within four weeks from the date of receipt of the copy of this order.

6. In the above terms, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Cs VII)

//True Copy//

Sub Assistant Registrar

gsk/tsg
To

1.The Headmaster,
Govt. Boys' Higher Secondary School,
Ulundurpet, Villupuram Dist.

2.The Chief Educational Officer,
Villupuram,
Villupuram District.

3.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

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

+1cc to Government Pleader SR.NO.55653/18

GP(CO)
sm:25.10.2018

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