

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T. SELVAM

AND

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P. No.24978 of 2017

A.Rajamanickam

...Petitioner

Vs.

1. The Principal District Judge,
Vellore - 9,
Vellore District.
2. The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.
3. The Accountant General,
(A&E) Tamilnadu,
No.26, Anna Salai,
Chennai - 600 018.
4. The State of Tamilnadu,
Represented by its Secretary,
Home (Courts V) Department,
Fort St. George, Chennai - 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the record of the letter of the District and Sessions Judge, Vellore dated 29.06.2017 in DisNo.5872/2017/HC, addressed to the petitioner and quash the same and consequently direct the first respondent to fix the petitioner's pay as per G.O.Ms.No.563-Home (Courts V) Department dated 20.07.2009 with retrospective effect to continue the petitioner's pension benefits from 1996.

For Petitioner : Mr.S.V.Ramamurthy

For Respondent : Mr.R.Vijayakumar - R.1 & R2

Mr.V.Vijayshankar - R.3

Mr.Sreesaran Rangarajan,
Additional Government Pleader
- R4

O R D E R

[Order of the Court was delivered by C.T. SELVAM, J.]

By the present Writ Petition, the petitioner has sought the following relief :

"to issue a writ of Certiorarified Mandamus to call for the record of the letter of the District and Sessions Judge, Vellore dated 29.06.2017 in DisNo.5872/2017/HC, addressed to the petitioner and quash the same and consequently direct the first respondent to fix the petitioner's pay as per G.O.Ms.No.563-Home (Courts V) Department dated 20.07.2009 with retrospective effect to continue the petitioner's pension benefits from 1996."

2. In response to petitioner's representation dated 05.06.2017, first respondent has under proceedings in Dis.No. 5872 of 2017/HC, dated 29.06.2017 informed that a perusal of the Service Register of petitioner revealed that his pay was fixed in the cadre in Judicial Ministerial Service i.e., in the time scale of 1700-60-2480-75-3005 in the pre-revised pay scale and subsequently, as per revised pay scale of 5700-175-9200, with effect from 01.01.1996. Stating so, first respondent has informed that since the revision of pay of petitioner in cadre -II in the Judicial Ministerial Service already stood effected, no matter arose for fresh consideration. Assailing such communication, Writ Petitioner has sought relief as above stated.

3. We have heard Mr.S.V.Ramamurthy, learned counsel for the petitioner, Mr.R.Vijayakumar, learned counsel for first and second respondents, Mr.V.Vijayshankar, learned counsel for third respondent and Mr.Sreesaran Rangarajan, learned Addition Government Pleader for fourth respondent.

4. Learned counsel for respondents submitted that the reliance placed by learned counsel for petitioner on G.O.Ms.No.563, dated 20.07.2009, is misplaced in as much as the same informs that the request of the petitioner, i.e., Petitioner and others, to fix separate time scale of pay for posts falling under category 2 in Clause IV Tamilnadu Judicial Ministerial Service as per the principle laid down in R.6(a) will be examined separately.

5. It is not necessary for us to enter upon such debate as the counter of third respondent dated 30.11.2017 specifically informs that as a special case, a suomoto review of petitioner's case was undertaken by third respondent and he was found entitled

to revised pensionary benefits and his pensionary benefits have been revised by third respondent and necessary authorisation letters had been issued in letter No.P02/1/REV/10221524, dated 21.11.2017.

6. The counter also informs that the submission of proposals for the revision of pensionary benefits by the Departmental authority, i.e., first respondent is a necessary prerequisite for issue of authorisation by third respondent. Third respondent has also informed that suomoto review was undertaken and pensionary benefits revised as a special case so as to mitigate the hardship of petitioner.

7. We would commend the just approach adopted by third respondent and in keeping its view, direct first respondent to submit proposal for revision of pensionary benefits to petitioner in keeping with finding of third respondent.

8. Accordingly, this Writ Petition is disposed of. No cost.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

vrc

To

1. The Principal District Judge,
Vellore - 9,
Vellore District.
2. The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.
3. The Accountant General,
(A&E) Tamilnadu,
No.26, Anna Salai,
Chennai - 600 018.
4. The State of Tamilnadu,
Represented by its Secretary,
Home (Courts V) Department,
Fort St. George, Chennai - 600 009.

+1 cc to Mr.S.V.Ramamurthy, Advocate SR.NO. 19555

+1 cc to Mr.V.Vijay Shankar, Advocate SR.NO. 19608

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 19660

W.P. No. 24978 of 2017

JK 12/04/18