

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 19838 of 2014

N.Veermani

...Petitioner

Vs

1.State of Tamilnadu

Rep.by Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St George, Chennai 600009.

2.Inspector General of Registration,
Santhome, Chennai-600028.

3.The District Registrar,
South Chennai, Saidapet,
Chennai-600015.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to fix the petitioners (i) Special Grade and Selection Grade Increment with increment arrears due to him from 2000 to 2011 (till date of retirement) (ii) Interest at the rate of 9 % per annum for the belated payment period of DCRG and Pension as per Pension Rules and (iii) 123 days salary for Earned Leave and 6 half month (3 months) salary as incentive for Earned Leave on Private affairs as per rules and consequently fix the pension on the basis of the pay last drawn in Special Grade and Selection Grade with increments and consequential benefits.

For Petitioner : Mr.N.S.Nandakumar

For Respondents: Mr.A.Srijayanthi
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to fix the petitioner special grade and selection grade increment with increment arrears due to him from 2000 to 2011 (till date of retirement)

(ii) Interest at the rate of 9 % per annum for the belated payment period of DCRG and Pension as per Pension Rules and (iii) 123 days salary for Earned Leave and 6 half month (3 months) salary as incentive for Earned Leave on Private affairs as per rules and consequently fix the pension on the basis of the pay, last drawn in Special Grade and Selection Grade with increments and consequential benefits.

2. The petitioner states that he was appointed as Watchman and retired from service on 30.11.2007, on attaining the age of superannuation. However, the service benefits including Selection and Special Grade increments arrear, the interest for belated payments and other leave salary are not granted.

3. The learned counsel appearing for the respondents relying on the counter filed by the 3rd respondent states that as regards advancement of Selection Grade / Special Grade to the petitioner, it is under process and orders appointing the petitioner will be issued very soon. On advancement to selection Grade / Special Grade, the pay of the petitioner will be refixed and the arrears of pay, consequential pensionary benefits will also be claimed and paid.

4. The learned Special Government Pleader contended that the case of the writ petitioner is under consideration and the proposals are under process. Thus, his case will be considered on merits by the competent authority and an order will be passed.

5. In view of the above, the 3rd respondent is directed to consider the representation submitted by the writ petitioner on 20.03.2014 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and other relevant documents along with the orders passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St George, Chennai 600009.

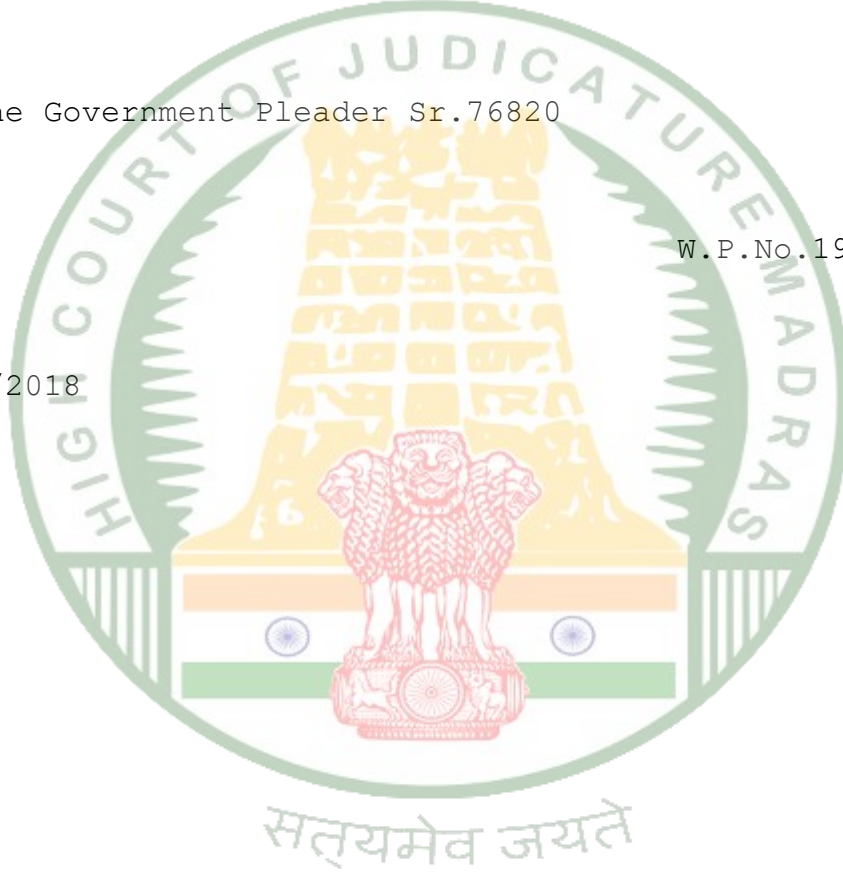
2.Inspector General of Registration,
Santhome, Chennai-600028.

3.The District Registrar,
South Chennai, Saidapet, Chennai-600015.

+1cc to the Government Pleader Sr.76820

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