

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1773 of 2018

A.Chockanathan

..Petitioner

-vs-

1. The Government of Tamil Nadu
represented by Secretary to the Government
Higher Education Department
Fort St.George
Chennai 600 009
 2. The Director of Collegiate Education
College Road, Chennai 600 006
 3. The Joint Director of Collegiate Education
Coimbatore Region, Coimbatore
 4. The District Treasury Officer
Tirupur District, Tiruppur
 5. The Assistant Treasury Officer
Dharapuram
Tiruppur District
 6. The Principal Accountant General (A&E)
Teynampet, Chennai 600 018
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to disburse revised monthly pension of Rs.23,200/- from April 2015, in the revised pay band of Rs.37400-67000 with academic grade of Rs.9000/- fixed for Lecturer Selection Grade to the petitioner, as per the proceedings of the Joint Director of Collegiate Education, Coimbatore Region, Coimbatore issued in Na.Ka.No.2519/A2/2017 dated 8.3.2017 and dated 31.8.2017 with 18% interest per annum.

For Petitioner :: Mr.R.Saseetharan

For Respondents:: Mr.P.Raja

Government Advocate for R1 to 5

ORDER

Mr.A.Chockanathan, aged about 76 years, who retired from service as Selection Grade Lecturer with effect from 30.9.2000 after putting in 25 years of service in a private aided college, had given a representation to the authorities requesting them to take into account his five years of service in the Hindu Religious and Charitable Endowments Department for pension purpose. Pending disposal of his representation, the petitioner's pension was sanctioned and fixed by the Accountant General in PPO No.C185137/Edu.dated 5.6.2003 at Rs.6925/- in the scale of pay of Rs.12000-420-18300. Based on his representation, the Director of Collegiate Education also in the years 2011, 2013 and 2014 requested necessary orders from the Government to count the five years of his past service in the H.R.& C.E.Department as an Executive Officer from 6.6.70 till he joined as Lecturer in Sri Ramakrishna Mission Vidyala Arts College, Coimbatore, which is a private aided college on 4.8.75 for the purpose of pension. As there was no order passed, the petitioner came to this Court with W.P.No.4787 of 2005 praying for a mandamus directing the respondents therein to take into account his past service. This Court, by order dated 24.11.2010, allowing the prayer, issued a writ to the respondents to count his past service as prayed for. Only thereafter, the Government of Tamil Nadu issued G.O.(3D) No.2, Higher Education Department dated 27.1.2015 to take into account his five years of past service for pension purpose. Subsequently, the Principal Accountant General (A&E), Tamil Nadu also passed an order on 6.1.2017 in PPO No.C185137 refixing his pension at Rs.8310/- from Rs.6925/- in the scale of pay of Rs.12000-18300/-. Thereafter, the Assistant Treasury Officer in his letter dated 21.6.2017 informed the petitioner that the revised pension can be given only after getting approval from the Accountant General of the State and also requested the service register and other relevant documents relating to his service and pension. Subsequently, the particulars and documents were furnished by the Joint Director in his letter dated 31.8.2017 with a further direction to revise his pension. The grievance of the petitioner is that when the Joint Director in his letter dated 31.8.2017 has directed the revision of his pension, still the revised pension has not been paid to him.

2. The learned Government Advocate for the respondents, referring to the latest communication dated 8.3.2017 issued by the Joint Director of Collegiate Education, Coimbatore to the Assistant Treasury Officer, Dharapuram, the fifth respondent herein, submitted that the request of the petitioner is under consideration and if sufficient time is granted, the same will be considered positively.

3. As the petitioner is aged about 76 years and has been waiting for the refixation of his pension, which has been in principle accepted by the respondents, this Court directs the respondents to consider the request of the petitioner for refixation of his pension and grant the benefits including the arrears within a period of two weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands allowed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to the Government
Higher Education Department
Fort St.George
Chennai 600 009
2. The Director of Collegiate Education
College Road, Chennai 600 006
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Coimbatore Region, Coimbatore
4. The District Treasury Officer
Tirupur District, Tiruppur
5. The Assistant Treasury Officer
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Tiruppur District
6. The Principal Accountant General (A&E)
Teynampet, Chennai 600 018

+1 CC to Govt. Pleader sr 12145.

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RJ(CO)
SP(07/03/2018)