

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.28391 of 2018

and

W.M.P.No. 33109 of 2018

- 1.T.Stanli
- 2.P.Soundararajan
- 3.S.M.Manikumar
- 4.N.Senthil Kumar
- 5.C.Rajendran
- 6.A.Mubarak Basha
- 7.P.Vanniarajan

...Petitioners

Vs.

- 1.The State of Tamilnadu,
rep. by the Additional Chief Secretary,
Finance Department,
Fort St. George,
Chennai-600 009.
- 2.The Accountant General, (A&E),
361, Anna Salai, Teynampet,
Chennai- 600 018.
- 3.The Principal Secretary to Government,
Agriculture department & Agricultural Production Commissioner,
Secretariat, Fort St George,
Chennnai-600 009
- 4.The Director of Agriculture,
Chepauk,
Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the second respondent herein to release the differential DCRG upto Rs.20 lakhs due to the petitioners in the light of G.O.Ms.No.313, dated 25.10.2017 within such time frame fixed by this Court upon

considering the petitioner's representation.

For Petitioners : M/s.Dakshayani Reddy for
M/s.Swarnam J. Rajagopalan
For Respondents : Mrs.R.Janaki, AGP for RR1,3 & 4
Mr.V.Vijayshankar, SC for R2

ORDER

Heard, M/s.Dakshayani Reddy for M/s.Swarnam J. Rajagopalan, the learned counsel appearing for the petitioner and Mrs.R.Janaki, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 3 & 4 and Mr.V.Vijayshankar, learned Standing Counsel appearing for the second respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2.The case of the petitioners is that they are Government servants under the Agricultural Department of the Government of Tamilnadu. They retired from service after 01.01.2016 i.e., the date when the implementation of the recommendations of Seventh Central Pay Commission. The Government of Tamilnadu vide G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017 had categorically indicated to allow the Gratuity, DCRG i.e., for a sum of maximum Rs.20 lakhs to such employees who retired from service/pensioners after 01.01.2016, and as such, in view of the recommendations of the 7th Pay Commission, they are entitled to the same. In this regard, they have made representations to the second respondent on various dates, to consider their case for payment of enhanced DCRG, which are pending with the second respondent. No decision on the same having not been taken, the petitioners have come to this Court seeking for a direction to the second respondent to consider the case of the petitioners for the payment of enhanced DCRG.

3. The learned counsel for the petitioners would submit that in view of the Seventh Central Pay Commission recommendations, which came into force on 01.01.2016 and acceptance of the same by the State Government of Tamilnadu, pursuant to which, G.O.Ms.No.313 of the Finance (Pay Cell) Department of Government of Tamilnadu have been issued with regard to pensioners, all the petitioners are entitled to the enhanced DCRG as they all retired after 01.01.2016 i.e., after the Seventh Central Pay Commission recommendation came into force. However, their representations in this regard having not been considered by the second respondent, the petitioners have filed the present writ petition seeking mandamus directing the respondents to grant them the aforesaid relief.

4. During the course of hearing, it is submitted that

though the aforesaid larger relief had been sought for, but presently, the petitioners confines their prayer with a direction to the second respondent to consider their representations in the light of the aforesaid Government Order.

5.Mr.V.Vijayashankar, the learned Standing Counsel for the second respondent submits that if such representations of the petitioners are pending, the same shall be considered within the time stipulated by this Court.

6. The learned Additional Government Pleader appearing for the respondents 1, 3, 4 submits that they have nothing to do in this case in any manner in the absence of any instructions from the second respondent.

7. This Court therefore, on hearing the counsel for the parties and going through the relevant materials placed on record and also the nature of relief sought for, dispose of this writ petition without seeking any reply affidavit from the respondents, with a direction to the second respondent to take an informed and considered decision with regard to extension of the benefit of the aforesaid Government Order to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment in this regard. However, it is made clear that this Court has not examined the merit of the contentions with regard to the applicability of the aforesaid Government Order to the petitioners, this order should not be construed as expression of any opinion on merit of such representations of the petitioners. Therefore, the second respondent is at liberty to take a decision as it deems fit and proper but in the manner known to law within the time stipulated, on such representation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Secretary,
The State of Tamilnadu,
Finance Department,
Fort St. George,
Chennai-600 009.

2.The Accountant General, (A&E),
361, Anna Salai, Teynampet,
Chennai- 600 018.

3.The Principal Secretary to Government,
Agriculture department & Agricultural Production Commissioner,
Secretariat, Fort St George,
Chennnai-600 009

4.The Director of Agriculture,
Chepauk,
Chennai-600 005.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.74213

+1cc to Mr.swarnam J.Rajagopalan, Advocate, S.R.No.28391

+1cc to the Government Pleader, S.R.No.74861

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PA (CO)
GSP (16/11/2018)



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