



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.14051 of 2018

C.Sadasivan

... Petitioner

-vs-

1.The Secretary to Government,
Rural and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2.The Director,
Rural and Panchayat Raj Development,
Directorate,
Panagal Building,
Saidapet, Chennai - 600 015.

3.The District Collector,
Kanyakumari District,
Nagercoil - 629 001.

4.The Director,
Local Fund Audit Department,
Integrated Finance Department Official Complex,
4th Floor, Nandhanam,
Chennai - 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the first respondent i.e., the Secretary to Government, Rural Development and Panchayat Raj Department, Chennai to pass appropriate orders on the petitioner's representation dated 23.09.2017 regarding re-fixation of pension as per the proposals sent by the Commisisoner of Kiliyoor Panchayat Union, Kanyakumari District in his letter No.A1/2475/2013 dated 08.01.2016, within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr.S.Visvalingam
For Respondents	: Mr.M.Murugan, Government Advocate

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent to pass appropriate orders on the petitioner's representation, dated 23.09.2017, regarding re-fixation of pension as per the proposals sent by the



Commissioner of Kiliyoor Panchayat Union, Kanyakumari District, in his letter No.A1/2475/2013 dated 08.01.2016.

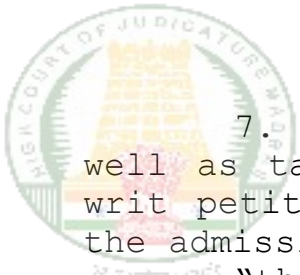
2. Heard Mr.S.Visvalingam, learned Counsel appearing for the petitioner as well as Mr.M.Murugan, learned Government Advocate, who takes notice for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the petitioner was serving as Group Clerk cum Bill Collector in Killiyoor Panchayat Union, Kanyakumari District and he was allowed to retire peacefully on 31.05.2010. Since the Kanyakumari District was erstwhile part of Kerala State and thereafter, on merger, those who were working in Town Panchayats have been redesignated at Village Panchayats as Group Clerk cum Bill Collectors.

4. In this regard, the pay had been fixed to Group Clerk cum Bill Collectors on par with Town Panchayat Bill Collectors and accordingly, pension also was sanctioned. In this regard, the learned Counsel appearing for the petitioner would further submit that, the scale of pay of Bill Collector in Town Panchayat was equal to the cadre of Junior Assistant even at the time when the petitioner was in service. But, it was not granted to him. Subsequently, the pay scale of Junior Assistant was revised as per the recommendations of the Official Committee of 2009, which was accepted and implemented by the Government through G.O.Ms.No.45, Finance (Pay Cell) Department, dated 10.02.2011. Accordingly, the revised pay was given to the Junior Assistants. Therefore, on that basis, the Bill Collectors of Town Panchayat were getting the revised pay and pensionary benefits. Such benefits were given notionally from 01.01.2006 and with monetary benefits from 01.02.2011.

5. Since the petitioner superannuated on 31.05.2010, he would also be entitled to get the revised pay, correspondingly, the revised pensionary benefits, notionally from 01.01.2006 and monetarily from 01.02.2011. In this regard, the petitioner even though had given a representation as early as on 23.09.2017, so far, the said representation of the petitioner has not been considered by the respondents. Therefore, in this regard, the learned Counsel appearing for the petitioner would submit that, if the said representation, sent by the petitioner through proper channel, is directed to be considered by the first respondent, on merits and an order to that effect is directed to be passed within a stipulated time limit, the petitioner would be satisfied.

6. Mr.M.Murugan, learned Government Advocate appearing for the respondents, would submit that the said representation of the petitioner dated 23.09.2017, would be considered on merits and an order to that effect would be passed, within the time frame to be stipulated by this Court.



7. Considering the limited scope of the writ petition as well as taking note of the submissions made by both sides, this writ petition is disposed of, with the consent of both sides at the admission stage itself, with the following direction:-

"that the first respondent is directed to consider the representation of the petitioner, dated 23.09.2017, with regard to his grievance of revised pay/pensionary benefits on par with revised pay scale of Junior Assistants as has been provided to various Town Panchayat Bill Collectors notionally from 01.01.2006 and monetarily from 01.02.2011 and pass orders thereon, objectively, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

Sd/-

Assistant Registrar (PA)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The Secretary to Government,
Rural and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.
- 2.The Director,
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Integrated Finance Department Official Complex,
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+1cc to Mr.S.Visvalingam, Advocate, Sr.No.70665.

+1cc to Special Government Pleader Sr.No.70707.

W.P. (MD) No.14051 of 2018

02.07.2018

gk

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RAM-KK/RP/SAR 1/04.12.2018/2P/7C