



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15621 of 2018

T.John Britto

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to the
Government,
Department of School Education,
Fort St. George, Chennai - 9.

2.The Director of School Education,
O/o.the Director of School Education,
DPI Campus, College Road,
Chennai - 6.

3.The Joint Director of School Education
(Vocational)
O/o.the Joint Director of School Education
(Vocational),
DPI Campus, College Road, Chennai - 6.

4.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Nagercoil, Kanyakumari District.

5.The Principal Accountant General(A&E)
O/o.the Principal Accountant General (A&E)
361, Anna Salai, Chennai - 600 018.

6.The District Educational Officer,
O/o.the District Educational Officer,
Nagercoil, Kanyakumari District.

7.The Headmaster,
Government Higher Secondary School,
Aralvaimozhi-629 301,
Kanyakumari District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix the petitioner's scale of pay and pension by way of fixing the Grade pay as Rs.5,400/- with monetary benefits



with effect from 01.04.2013 in the light of the judgment of this Court in W.P.(MD) No.2654 of 2018 dated 19.03.2018 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mrs.S.Srimathy, Spl.G.P.
For RR1 to 4, 6 and 7
MR.P.Gunasekaran, for R5

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O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to refix the petitioner's scale of pay and pension by way of fixing the Grade pay as Rs.5,400/- with monetary benefits with effect from 01.04.2013 in the light of the judgment of this Court in W.P.(MD) No.2654 of 2018 dated 19.03.2018 within the time period stipulated by this Court.

2.Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 4, 6 and 7 and Mr.P.Gunasekaran, learned standing counsel appearing for the fifth respondent.

3.The petitioner was appointed as Vocational Instructor on 27.11.1984. Thereafter, on 01.04.1990, he was regularised in the post of Vocational Instructor. He was granted selection grade on 01.04.2000 and special grade on 01.04.2010. Thereafter, the petitioner retired from service. The pension proposal has been forwarded based on the last drawn pay, by fixing Rs.4,800/-, for which the petitioner claimed to have Rs.5,400/- as grade pay. Therefore, the petitioner approached this Court by filing this writ petition for the relief stated above.

4.I have heard the learned counsel appearing for the petitioner, who would submit that whether the petitioner is entitled to get pension based on the grade pay of Rs.5,400/- is no more res-integra as in number of cases, a decision has been made by this Court and in this regard, the learned counsel appearing for the petitioner would rely upon the judgment of this Court in a batch of cases in W.P.(MD) No.2654 of 2018 in L.Natarajan Vs. The State of Tamil Nadu and Others dated 19.03.2018. The learned counsel would further submit that based on the said decision made by this Court and also a number of decisions following the said decision since have been made, the petitioner had made a representation to the respondents on 06.06.2018 and if the said representation is considered and a direction to that effect is issued to both the respondents, the petitioner would be satisfied.

5.I have heard the learned counsel appearing for the fifth respondent, who would submit that if the proposal is submitted by the fourth respondent, the same would be considered on merits by



taking into account the law declared by this Court in this regard.

6. The learned Government Advocate appearing for the respondents 1 to 4, 6 and 7 would submit that necessary revised proposal would be submitted by the fourth respondent by fixing the grade pay of Rs.5,400/- to the fifth respondent for necessary action.

7. Considering the said submissions made by both sides, by taking into account the facts of the case and by relying upon the decision made by this Court in the judgment cited supra in L.Natarajan's case, this Court is inclined to pass the following order:

"The representation of the petitioner dated 06.06.2018 shall be considered by the respondents and in this regard, the fourth respondent shall submit the revised pension proposal of the petitioner by fixing the grade pay of Rs.5,400/- to the fifth respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fifth respondent shall consider the same, by taking into account the decision made by this Court in the judgment referred to above and pass orders thereon, for sanctioning of the pension with the grade pay payable to the petitioner, within a period of six weeks thereafter."

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

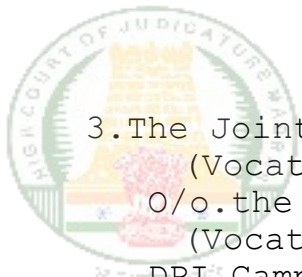
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Sub Assistant Registrar(CS-IV)

To

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- 7.The Headmaster,
Government Higher Secondary School,
Aralvaimozhi-629 301,
Kanyakumari District.
- 1 CC TO Mr.T.LAJAPATHY ROY , ADVOCATE IN SR No.73770.
+1 cc to Special Government Pleader, SR.No.73834.

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