



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15969 of 2018

WEB COPY

Sampathkumar

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by
its Principal Secretary,
Finance (CMPC) Department,
Fort St. George, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 6.
3. The Joint Director (Vocational) of
School Education,
College Road, Chennai - 6.
4. The Principal Accountant General
LEKHA PARIKSHA BHAVAN,
361, Anna Salai, Teynamper,
Chennai - 16.
5. The Chief Educational Officer,
Tiruchirappalli District,
District Educational Office,
Near Syed Murthuza School,
Trichy.
6. The Correspondent,
Bishop Heber Higher Secondary School,
Teppakulam, Trichy - 2.

... 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 consider the petitioner's representation dated 15.06.2018 and calculate all the retirement benefits including service pension with correct pay of Rs.15600-39100 with Grade Pay Rs.5400/- within the time stipulated by this Court failing which to pay interest at 12% per annum for the delayed payment.

For Petitioner : M/s.T.Banumathy

For Respondents : Mrs.S.Srimathy, Spl.G.P.

For RR1,2,3 and 5

Mr.P.Gunasekaran, for R4

Standing Counsel

**ORDER**

The prayer sought for in this Writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.06.2018 and calculate all the retirement benefits including service pension with correct pay of Rs.15600-39100 with Grade Pay Rs.5400/- within the time stipulated by this Court failing which to pay interest at 12% per annum for the delayed payment.

2.Heard Mrs.T.Banumathy, learned counsel appearing for the petitioner and Mrs.Srimathy, learned Special Government Pleader appearing for the respondents 1,2,3 and 5 and Mr.P.Gunasekaran, learned standing counsel appearing for the fourth respondent. Since no adverse order is going to be passed against the sixth respondent, notice to the sixth respondent is dispensed with.

3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Vocational Instruction with effect from 11.06.1990 on temporary basis and thereafter, he was absorbed as regular employee from 05.10.1996 and in that capacity, he had worked till 2016 and retired from service on superannuation on 31.05.2017. The petitioner since had been working in the regular service for 20 years, he has been conferred with special grade with effect from 05.10.2016 and therefore, his pay was fixed in the scale of pay of Rs.15600-39100 with grade pay of Rs.5400/- and the basic pay was Rs.29540/-. This pay was fixed from 05.10.2016 and additional pay was also fixed from 12.01.2017 and only, thereafter, the petitioner retired from service on 31.05.2017. Therefore, based on the last drawn pay with the grade of Rs.5400/-, his pensionary benefits have to be calculated. But, it has been wrongly calculated with lesser grade pay and therefore, in this regard, the petitioner had given representation on 15.06.2018 to the respondents and if the said representation is directed to be considered and an order that effect is directed to be passed, the petitioner would be satisfied.

4.I have heard the learned Special Government Pleader appearing for the respondents 1 to 3 and 5 and the learned standing counsel appearing for the respondent No.4. They would submit that the second respondent, on the basis of the representation given by the petitioner dated 15.06.2018, would consider the same and forward the proposal to the fourth respondent, who in turn, on receipt of the same would consider the same on merits and would decide with regard to the eligibility of the pension to the petitioner on the basis of the last pay drawn and an order to that effect would be passed by the fourth respondent, within a time frame, that may be stipulated by this Court.

5.Considering the said submissions made by both sides, this Court is inclined to pass the following order:

<https://hcservices.ecourts.gov.in/hcservices/>

The second respondent is directed to consider the representation of the petitioner dated 15.06.2018 and



forward the proposal to revise the pension of the petitioner to the fourth respondent, within a period of three weeks from the date of receipt of a copy of this order and on receipt of such proposal from the second respondent, the fourth respondent shall consider and pass necessary orders with regard to the revised pension to the petitioner by taking into account his last drawn pay with the grade pay of Rs.5400/- and accordingly sanction the same, within a period of four weeks thereafter."

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Principal Secretary,
State of Tamil Nadu rep. by
Finance (CMPC) Department,
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5. The Chief Educational Officer,
Tiruchirappalli District,
District Educational Office,
Near Syed Murthuza School,
Trichy.

+1cc to SPL.Govt.Pleader, Sr.No.74572

+1cc to M/s.T.Banumathy, Advocate Sr.No.74523

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.74777

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KM/SV/SAR2/12.12.2018/3P/9C

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