



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
W.P. (MD) No.16450 of 2018

M.Murugaiah

... Petitioner

Vs

1) The Joint Director,
Tamil Nadu Fire Service and Rescue Department,
North Zone,
12, Rukmani Lakshmipathi Salai,
Egmore, Chennai

2) The District Fire Officer,
Tamil Nadu Fire Service and Rescue Department,
North Chennai,
Esplanade, Chennai

3) The Principal Accountant General
(Accounts & Entitlement),
Anna Salai,
Tamil Nadu, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to re-fix the petitioner's pension payment by granting the benefit of G.O.Ms.No.234 dated 01.06.2009, G.O.(Ms) No.276 dated 26.08.2010 and G.O.(Ms) No.68 dated 26.02.2011 and pass necessary order on the proposals of the 2nd respondent dated 20.12.2016 within the time stipulated by this Court.

For Petitioner : Mr.S.Sivalingam

For Respondents : Mr.M.Murugan,
RR1 & 2 Government Advocate

For R3 : Mr.P.Gunasekaran

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the respondents to re-fix the petitioner's pension payment by granting the benefit of G.O.Ms.No.234 dated 01.06.2009, G.O.(Ms) No.276 dated 26.08.2010 and G.O.(Ms) No.68 dated 26.02.2011 and pass necessary order on the proposals of the 2nd respondent dated 20.12.2016 within the time stipulated by this Court.

2. Heard Mr.S.Sivalingam, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3. Learned counsel appearing for the petitioner would submit that the petitioner was working at the Tamil Nadu Fire Services Department from the year 1959 onwards and he retired on attaining superannuation on 30.06.1998 and he is getting pension at the Tirunelveli Treasury from 01.07.1998. His monthly pension is Rs.6,838/- (Rupees Six Thousand Eight Hundred and Thirty Eight only) and the said pension has been constantly being paid to the petitioner and it has not been revised. Therefore, in order to revise his pension, he has made a request on 10.11.2017, as he would be eligible to get such a revision, as per the Government orders which are in vogue, especially, in Government order in G.O.Ms.No.234 dated 01.06.2009 of Finance (Pay Cell) Department and if the said representation of the petitioner dated 10.11.2017 is directed to be considered by the respondents, especially, the first respondent, the petitioner would be satisfied.

4. I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents and Mr.S.Sivalingam, learned counsel appearing for the petitioner and I have also perused the materials placed before this Court.

5. The learned Government Advocate would submit that, the said representation dated 10.11.2017 of the petitioner would be considered by the first respondent on merits and in accordance with law and an order to that effect would be passed, within a time frame, that may be stipulated by this Court.

6. Considering the said submissions made by both sides and taking into account the limited scope of the Writ Petition, this Court is inclined to pass the following orders:

"The first respondent is directed to consider the representation of the petitioner dated 10.11.2017 and pass orders on merits and in accordance with law and communicate the same to the petitioner, within a period of six weeks from the date of receipt of a copy of this order."

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

1) The Joint Director,
Tamil Nadu Fire Service and Rescue Department,
North Zone,
12, Rukmani Lakshmipathi Salai,
Egmore, Chennai



2) The District Fire Officer,
Tamil Nadu Fire Service and Rescue Department,
North Chennai,
Esplanade, Chennai

3) The Principal Accountant General
(Accounts & Entitlement),
Anna Salai,
Tamil Nadu, Chennai.

+1cc to Mr.P.GUNASEKARAN, Advocate, SR.No. 76030
+1cc to Mr.R.SIVALINGAM, Advocate, SR.No.76011
+1cc to M/s.Special Government Pleader,SR.No. 76178

Order made in
W.P. (MD) No.16450 of 2018
30.07.2018

STS
KK/RSK/SAR-1/24.10.2018/3P-7C