



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16879 of 2018

Rengasamy

... Petitioner

Vs.

1.The Director General of Police,
Kamarajar Road,
Kailasapuram,
Mylapore, Chennai-600 005,
Tamil Nadu.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Secretary to Government,
Home Department,
Government of Tamilnadu,
Chennai.

(Suo motu impleaded as respondent
vide order dated 31.07.2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to refixing the petitioner's pension on that basis of the G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013, by considering the petitioner's representation dated 30.11.2016.

For Petitioner	: Mr.R.Murugappan
For R1 and R2	: Mrs.S.Srimathy, Special Government Pleader

ORDER

The prayer sought for herein is for Writ of Mandamus, directing the second respondent to refixing the petitioner's pension on that basis of the G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013, by considering the petitioner's representation dated 30.11.2016.

2.Heard Mr.R.Murugappan, learned counsel for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader for the



respondents.

3.The learned counsel for the petitioner would submit that the petitioner was working in the respondent department originally as Police Constable, subsequently on promotion as Head Constable and he retired from service on 30.11.1991.

4.Insofar as, the calculation of pensionary benefits of the persons like the petitioner is concerned, the Government has issued an order in G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013. Under the said G.O., the benefit already given to similarly placed persons who retired in 1970s and 1980s had been extended to those who retired between 01.06.1988 and 31.12.1995. Since, the petitioner was also retired within the said period ie., on 30.11.1991, the pre-revised scale of pay, for the purpose of calculation of pension, shall be made in respect of the petitioner's case also, pursuant to the G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013. In this regard, though the petitioner has given a representation on 30.11.2016 to the Government, ie., the Home Secretary, Government of Tamil Nadu, however, the said representation has not been considered sofar. Therefore, the petitioner is before this Court.

5. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that since, the representation has been given to the Government, ie., the Secretary, Home Department, who is not a party in this writ petition, unless, the Secretary to Government is impleaded herein as party, no direction can be given to the said Authority, ie., the Secretary to Government, Home Department. In view of the above, "the Secretary to Government, Home Department, Government of Tamil Nadu, St.George Fort, Chennai" is suo motu impleaded as one of the party respondent (third respondent) in this writ petition.

6.Since, the prayer sought for in this writ petition is innocuous in nature, as he seeks Writ of Mandamus, only to consider the representation given by the petitioner dated 30.11.2016, by the Secretary to Government, who has been now impleaded as one of the respondent herein, this Court is inclined to pass the following order:

"That the third respondent (The Secretary to Government, Home Department, Government of Tamilnadu, Chennai) shall consider the representation of the petitioner dated 30.11.2016, in the light of G.O.Ms.No.363, Finance (PGC) Department, dated 23.08.2013 and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."



7. With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

WEB COPY /True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Director General of Police,
Kamarajar Road,
Kailasapuram,
Mylapore, Chennai-600 005,
Tamil Nadu.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Secretary to Government,
Home Department,
Government of Tamilnadu,
Chennai.

+1cc to Mr.R.Murugappan Advocate in SR.No.75861
+1cc to Special Government Pleader Advocate in SR.No.76261

W.P. (MD) No.16879 of 2018
31.07.2018

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