



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.17331 of 2018

R.Palanichamy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The Special Commissioner and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 27.11.2017 based on the proposals sent by the District Collector, Virudhunagar in his letter No.R.O.C.K1/24231/2017 dated 26.10.2017 regarding refixation of pay on par with his junior and consequently refixation of pension and to send revised pension proposals, within a specified time frame that may be fixed by this Court.

For Petitioners : Mr.S.Visvalingam

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

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 27.11.2017 based on the proposals sent by the District Collector, Virudhunagar in his letter No.R.O.C.K1/24231/2017 dated 26.10.2017 regarding refixation of pay on par with his junior and consequently refixation of pension and to send



revised pension proposals, within a specified time frame that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that, the petitioner was last serving as Tahsildar at Kariuyapatti Taluk, Virudhunagar District and on superannuation, he retired from service on 03.01.2012 and he was allowed to receive all his retiral benefits. However his grievance was that, during his service and also after his retirement, he had requested the authorities to refix his pay on par with his junior one Tmt.Shantha, who is presently serving as Special Deputy Collector, Madurai District Revenue Unit. In this regard, the petitioner had given a representation on 23.12.2014 to the second respondent and the same was pending. In the meanwhile, based on the representation given through proper channel, the third respondent District Collector, vide his communication dated 25.06.2015 had forwarded the said request of the petitioner to the Government for taking appropriate decision. In this regard, the third respondent District Collector, on 26.10.2017 had directed the official concerned to forward the service file of the individual viz., Tmt.R.Shantha, whose service was compared by the petitioner for consideration of his request for refixation of pay. Thereafter, the petitioner had given a detailed representation on 27.11.2017 to the Government, i.e. to the first respondent. Even though the said representation was given and earlier representation also had been forwarded by the District Collector to the first respondent for appropriate action, nothing was forthcoming from the respondents, especially, the first and second respondents and therefore, the petitioner is before this Court.

4. I have heard the learned Special Government Pleader appearing for the respondents, who would submit that, since the District Collector has already forwarded the proposal to the first respondent Government, on receipt of the service register of the individual, who has been compared with by the petitioner, necessary action would be taken and the decision would be communicated to the petitioner by the first respondent, within a time frame, that may be stipulated by this Court.

5. I have considered the said submissions made by both sides and by taking into account the factual matrix of the case, the following order is passed:

"The respondents especially, the first and second respondents are directed to consider the representation of the petitioner dated 27.11.2017 by taking into account the communication already sent by the District Collector dated 25.06.2015 and 26.10.2017 and take a decision with



regard to the fixation of pay of the petitioner in comparison with the junior of the petitioner one Tmt. Shantha and accordingly, pass necessary orders thereon and communicate the same to the petitioner, within a period of 8 weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS IV)

Arul

To

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Special Commissioner and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The District Collector,
Virudhunagar District,
Virudhunagar.

1CC TO MR. S VISVALINGAM, ADVOCATE SR 76882

1CC TO THE SPL GOVT PLEADER SR 77150

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