



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No. 24132 of 2017
and
W.M.P (MD) No. 20258 of 2017

P.Ramuthai ... Petitioner

Vs.

- 1.The Accountant General of Tamil Nadu,
No.361, Annasalai,
Chennai-18.
 - 2.The District Educational Officer,
Dindigul District,
Dindigul.
 - 3.The Additional Assistant Elementary Educational Officer,
Aathur, Dindigul District,
 - 4.The Treasury Officer,
Dindigul District,
Dindigul.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records relating to the impugned proceedings passed by the first respondent vide proceedings No.Pen16/1/11618160/Rev/15-16/ADK, dated 20.06.2016 and quash the same as illegal.

For petitioner	: Mr.Md.Imran
	for Ajmal Associates
For R-2 to R-4	: Mr.J.Gunaseelan Muthiah
	Additional Government Pleader
For R-1	: Mr.P.Gunasekaran

ORDER

By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. Heard Mr.Md.Imran for Ajmal Associates, learned Counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the Respondent Nos. 2 to 4, Mr.P.Gunasekaran, learned Standing Counsel appearing for the first respondent.



3. The writ petitioner was appointed as Secondary Grade Teacher in the year 1974. She retired in the year 2009. On completion of her 10th year and 20th year of service, she was conferred with Selection Grade and Special Grade. Therefore, her pension was fixed on that basis. She was receiving the same. Subsequently, invoking certain inapplicable proceedings, the Department took the view that the writ petition could not have been conferred with Special Grade on 01.07.1995. Therefore, proposal was sent for down grading her pension and the same was also erroneously accepted by the first respondent herein. An order to this effect was passed on 20.06.2016 and the same has been challenged in this writ petition.

4. It is seen that the writ petitioner's pension was erroneously down graded. She was very much eligible to get Special Grade as on 01.07.1995. The Special grade was conferred only on the completion of 20 years of service. Therefore, the authority ought not to have down graded her pension.

5. Therefore, the impugned order dated 20.06.2016 is set aside. The petitioner was entitled to receive the originally fixed pension that too were fixed in the year 2009. The third respondent is directed to send an appropriate rectification proposal to the first respondent within a period of one month from the date of receipt of a copy of this order. The learned counsel for the first respondent states that the appropriate proceedings will be issued shortly thereafter.

This Writ Petition is allowed, accordingly. No costs. Consequently, W.M.P (MD) No. 20258 of 2017 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Educational Officer,
Dindigul District, Dindigul.
- 2.The Additional Assistant Elementary Educational Officer,
Aathur, Dindigul District,
- 3.The Treasury Officer,
Dindigul District, Dindigul.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.42026

+One cc to Mr.P.Gunasekaran , Advocate, SR.No.41964

+One cc to The Special Government Pleader, SR.No. 42278

kmi

RL/7C/2P/KK/SAR1/7/2/2018

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ORDER MADE IN

W.P. (MD) No.24132 of 2017

11.01.2018