



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.19630 of 2018

A.Mariappan

.. Petitioner

Vs.

- 1.The Principal Secretary,
Planning, Development and Special
Initiative Department,
Secretariat,
Chennai -9.
- 2.The Secretary/Commissioner,
Economics and Statistics Department,
Thenampet,
Chennai-6.
- 3.The Deputy Director,
Economics and Statistics Department,
No.203, Second Floor,
Collectorate Campus,
Virudhunagar.

.. Respondents

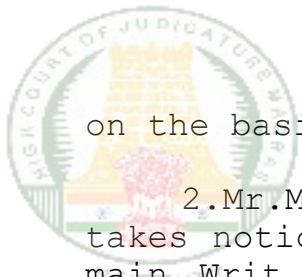
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the second respondent to take necessary steps to refix the Petitioner's salary and consequently direct the second respondent to grant pension as per revised scale of pay and with arrears from the date of re-fixation of salary with 18% interest for the delay of payment on the basis of the Petitioner's representation dated 21.11.2017.

For Petitioner : Mr.J.Balameenakshi

For Respondents : Mr.M.Pandiarajan
Addl. Govt.Pleader

O R D E R

This Writ Petition has been filed, seeking a direction to the second respondent to take necessary steps to refix the Petitioner's salary and consequently direct the second respondent to grant pension as per revised scale of pay and the arrears from the date of re-fixation of salary with 18% interest for the delay of payment



on the basis of the his representation, dated 21.11.2017.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that the Petitioner was initially appointed as Assistant Statistical Investigator on 2.6.19986 and was subsequently promoted as post of Statistical Officer on 15.7.2009 and after working as Assistant Director of Statistics in the Head of the Department from 10.8.2009 to 8.1.2010, he retired from service on 28.2.2014 on attaining the age of superannuation and he was getting the pay scale of Rs.18,140 - 4,600 = Rs.22,740/- till the date of his retirement. But his junior whose Serial Number is 180 has been receiving the pay scale of 19,240 +4,600 which is higher than the pay scale of the Petitioner, whose Serial Number is 122 in the post of Assistant Director of Statistics. Hence the Petitioner made several representations,the last one of which was on 21.11.2017 to take necessary steps to refix his salary and consequently to direct the second respondent to grant pension as per revised scale of pay and with arrears from the date of re-fixation of salary. Since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that it is agreeable for the respondents 1 to 3 to consider the representation of the petitioner within the time frame fixed by this Court.

5.In view of the above submission, this Court, without going into the merits of the matter directs the concerned respondent to consider the representation of the petitioner, dated 21.11.2017 and to pass appropriate orders on the same in accordance with the law,after affording an opportunity of hearing to the Petitioner and other interested parties, if any, within a period of two months from the date of receipt of a copy of this order, if there is no other legal impediment to do so.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS I)



To:

- 1.The Principal Secretary,
Planning, Development and Special
Initiative Department,
Secretariat,
Chennai -9.
- 2.The Secretary/Commissioner,
Economics and Statistics Department,
Thenampet,
Chennai-6.
- 3.The Deputy Director,
Economics and Statistics Department,
No.203, Second Floor,
Collectorate Campus,
Virudhunagar.

1CC TO M/S. J. BALA MEENAKSHI, ADVOCATE SR 83825
1CC TO THE SPL GOVT PLEADER SR 84073

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