



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

[Video Conferencing]

Rev.Aplw.No.231/2019

R.Ramaraj .. Petitioner
Versus

1.The Registrar General
High Court of Madras
Chennai 600 104.

2.The Financial Accountant General
[Accounts and Entitlements], Tamilnadu,
No.361, Anna Salai, Chennai 600 018.

3.The Senior Accounts Officer
O/o.The Principal Accountant General
Accounts and Entitlements] Tamil Nadu
No.361, Anna Salai, Chennai 600 018.

4.Thiru N.Ramachandran
District Judge [Retd.]
No.24/29, Chavadi Street
Korattur, Chennai 600 080.

5.The Pay and Accounts Officer
High Court, Chennai 600 104. .. Respondents

PRAYER:- Review Application filed under Order 47 of Rule 1 of CPC read with Section 114 of CPC, to review the order dated 25.06.2018 in WP.No.2522 of 2018.

WP.No.2522 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the communication of the second respondent signed by the third



respondent in GADIV/AAO/123-14249 dated 11.05.2017 and quash the same and direct the 1st respondent to give all monetary benefits from 07.05.2017 as per G.O.M.S.No.977 dated 06.10.1986 and further settle the difference of pay and allowances for the Reemployment period from 16.06.2011 to 06.07.2012 and 2013 to 2015.

For Petitioner : Mr.D.Rajagopal
For R1 : Mr.Baskar
For R5 : Mr.M.Elumalai, GA

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

- (1)The petitioner who is a retired District Judge, has filed the petition/application to review the order dated 25.06.2018 made in WP.No.2522/2018.
- (2)Heard the submissions of Mr.D.Rajagopal, learned counsel appearing for the review applicant/writ petitioner and perused the materials placed before it.
- (3)The facts leading to the present review application, have been narrated in detail and in extenso in the above cited order dated 25.06.2018 and for the sake of brevity, it need not be re-stated once again.
- (4)The learned counsel for the petitioner has drawn the attention of this Court to G.O.Ms/No.977, P & AR [FR-III] Department dated 06.10.1986 and would submit that though a specific ground has been taken as to the non-adherence of the said Government Order in the said writ petition, the same has not been dealt with and he further added that after the retirement of the review applicant/writ petitioner, he was under re-employment and hence, once his original seniority was restored and was conferred with consequential benefits without actual monetary benefit, the said fact can be taken into consideration for his re-employment period also.
- (5)In the writ petition, the 1st respondent / Registrar General, has filed a Report dated 25.06.2018 and took a stand that the 2nd respondent has sent a communication dated 07.08.2017 in Letter No.GADIV/AA/12543/367-44952, reiterating that re-employment pay has to be regulated under Sub Rule 4[1] of Rule 44 of the Tamil Nadu Pension Rules, 1978, i.e., the last pay drawn while in service [minus] the pension. It is further stated in the said Report that re-employment is based on the



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pay last drawn by the Government Servant on the date of retirement and any undrawn pay to be ignored as per proviso [i] below Note 1 under the Tamil Nadu Pension Rules 30 and that, re-employment is not a terminal / pensionary benefit and therefore, stepping up of pay notionally for any re-employment is inadmissible.

(6) In the considered opinion of the Court, the said Report reflects the correct legal position for the reason that re-employment after attaining the age of superannuation, cannot be deemed to be continuation of the original service. In such view of the matter, this Court finds no merit in the review application.

(7) In the result, the review application stands dismissed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

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High Court, Chennai 600 104.

+1 cc to Mr.D.Rajagopal Advocate sr101915
+1 cc to Mr.M.Baskar Advocate sr102098

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