

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.21039 of 2019
and
W.M.P.No.20221 of 2019

V.Balakrishnan

... Petitioner

Versus

1. The Government of Tamil Nadu,
Rep.by Secretary,
Higher Education Department,
Chennai-9.
 2. The Director of Collegiate Education,
College Road, Chennai - 6.
 3. Principal Accountant General,
Office of the Principal Accountant General,
(Accounts & Entitlement) Tamil Nadu,
381, Anna Salai, Chennai - 600 010.
 4. The Government Arts College,
Thiruvavur.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to pay the revised pension in the Selection Grade after including his service rendered as Demonstrator during the period from 26.11.1965 to 25.08.1975.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.V.Kadirvelu, (for R1, R2 and R4)
Special Government Pleader

ORDER

This Writ petition has been filed seeking to direct the respondents to pay the revised pension in the Selection Grade after including his service rendered as Demonstrator during the period from 26.11.1965 to 25.08.1975.

2.The case of the petitioner is that the petitioner joined as Graduate Demonstrator in Zoology at Sarboji College in November, 1965. Subsequently, the petitioner was promoted as Professor and Head of the Department during the year 1986 - 1987. Thereafter, the petitioner sought VRS, which was accepted by the department and he was relieved from the service on July

1990. At the time of his retirement, the pension amount was Rs.1,444/-, which was periodically raised and the last drawn pension is Rs.25,000/- approximately. The service rendered as Demonstrator should have been taken into consideration for the purpose of grant of Selection Grade. Accordingly, the petitioner sent an application to the second respondent to return his Service Register for entering the revised pension based on revised pension. There is no response on the respondents side, the petitioner filed a RTI application. Based on the information sought by the petitioner under RTI Act, the third respondent sent a letter dated 25.09.2018, informing that the fourth respondent did not trace the Service Register and therefore a duplicate Service Register may be construed with details available on records and forwarded the same to the second respondent along with revised pension proposal. Thereafter, the fourth respondent/ Governments Arts College, Thiruvarur sent a letter to the petitioner on 12.11.2018, in which, stating that the petitioner's Service Register was not returned from the third respondent, hence, the duplicate copy could not be provided by them. Therefore, the petitioner sent a representation through registered post on 30.01.2019 to the second and third respondents, but, till date, which was not consider by the respondents. Hence, the petitioner approached this Court with the above said prayer.

3.The learned counsel for the petitioner submitted that it would be suffice to issue direction to the second and third respondents to consider the representation dated and pass order on merits and in accordance with law.

4.Mr.V.Kadirvelu, Special Government Pleader appearing for the respondents conceded with the limited request made by the learned counsel for the petitioner.

5.Considering the above facts and circumstances and the limited request made by the petitioner, I am inclined to issue direction to the second respondent to consider the representation dated 30.01.2019 of the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, the petitioner is directed to forward a copy of the representation dated 30.01.2019 along with the original order copy enabling the second respondent to pass appropriate orders.

4.With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

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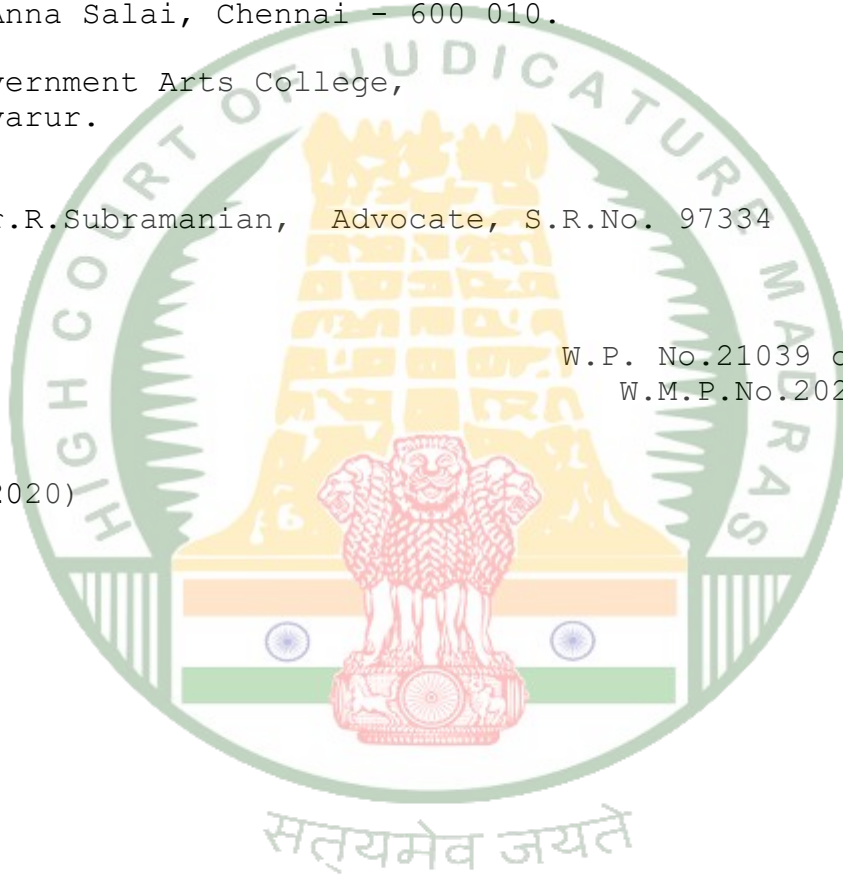
To

1. The Secretary,
Higher Education Department,
Chennai-9.
2. The Director of Collegiate Education,
College Road, Chennai - 6.
3. The Principal Accountant General,
Office of the Principal Accountant General,
(Accounts & Entitlement) Tamil Nadu,
381, Anna Salai, Chennai - 600 010.
4. The Government Arts College,
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+lcc to Mr.R.Subramanian, Advocate, S.R.No. 97334

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RJI (CO)
GN(08/01/2020)



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