

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 26425 of 2019

N.Esakky

..Petitioner

Vs

1. The Principal Secretary to Government,
Environment & Forests Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests
Chennai - 600 015
3. The Divisional Forest Officer,
Forest Utilization Division,
Chennai - 6
4. The Principal Accountant General
(Accounts and Entitlements)
361, Anna Salai,
Chennai - 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to implement the proceedings of the 2nd respondent issued in Proceedings No.A1/10116/2016 dated 22.06.2016 and consequently disburse the retirement and pensionary benefits including arrears thereon arising out of such revision, with interest on the delayed payments till the date of disbursement, all within a limited time frame and grant such other further relief as this Court may deem fit and proper under the circumstances arising out of this case.

For Petitioner : Mr.Priya Ravi

For Respondents : Mr.M.Elumalai,
Government Advocate
for R1 to R3.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to implement the proceedings of the 2nd respondent issued in Proceedings No.A1/10116/2016 dated 22.06.2016 and consequently disburse the retirement and pensionary benefits including arrears thereon arising out of such revision, with interest on the delayed payments till the date of disbursement, all within a limited time frame.

2. The learned counsel appearing for the petitioner would submit that the petitioner joined the service as Forester on 26.03.1980 and got Selection Grade on 29.03.1990 and Special Grade Forester on 29.03.2000. The petitioner was promoted as Forest Range Officer during the year 2000 and subsequently, the petitioner was reverted to the post of Forester for want of vacancy during the year 2001. The petitioner was promoted as Forest Range Officer during the year 2003 and retired from the service on 31.08.2009.

3. The learned counsel appearing for the petitioner would further submit that the petitioner was already holding the post of Special Grade Forester in the Pay Scale of Rs.6500/--200-10500 and the same was adopted for fixing her pay on promotion as Forest Ranger Officer, as both the posts carried identical scale of pay of Rs.6500-200-10500. In pursuance of Tamil Nadu Revised Scale of Pay Rules, 2009, the said scale of pay was revised as PB2-9300-34800+GP 4900. The petitioner's pension was fixed in accordance with the said pay scale of Rs.9300-34800+GP 4900. The Principal Accountant General, (A&E), i.e.The 4th respondent herein, fixed her original pension at Rs.11,470/-, in accordance with the above mentioned fixation.

4. The learned counsel appearing for the petitioner would aver that the petitioner has made a representation before the 2nd respondent to address the queries raised by the 4th respondent for necessary ratification from the 1st respondent on the proposal of refixation of pay is highly deliberate and drawing less pension than the petitioner has entitled to get from 11.05.2009 in the scale of pay of Rs.18950+5400 GP total Rs.24350/- which would enhance the pension of the petitioner with arrears on such refixation.

5. In the aforesaid circumstances, the petitioner has given a representation on 08.11.2018 and 29.07.2019 requesting to pass appropriate orders in accordance with the provisions contained in Article 14 of the Constitution of India. Despite submitting the representation on 29.07.2019 to the 1st respondent, but till

date it has not been considered by the 1st respondent, hence, the present writ petition.

6. The learned counsel for the petitioner would now submit that it would be suffice, to issue directions to the 1st respondent to dispose of the representation dated 29.07.2019 submitted by the petitioner on merits and in accordance with law.

7. The learned counsel appearing for the respondents conceded to the request made by the learned counsel appearing for the petitioner.

8. Without expressing any opinion on merits, I am inclined to issue a direction to the 1st respondent to dispose of the Writ Petitioner's representation dated 29.07.2019, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kmm
To

1. The Principal Secretary to Government,
Environment & Forests Department,
Secretariat, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests
Chennai - 600 015
 3. The Divisional Forest Officer,
Forest Utilization Division,
Chennai - 6
 4. The Principal Accountant General
(Accounts and Entitlements)
361, Anna Salai,
Chennai - 600 018.
- +1cc to Spl Government Pleader (Forest) SR.76636

W.P.No. 26425 of 2019

SVI (CO)
CB(16/12/2019)