

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27512 of 2019

Veerasamy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Finance (Pension) Department,
Secretariat, Chennai -9.

2.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Secretariat,
Chennai - 9.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation dated 12.07.2019 seeking for relaxation of the pensionary benefits.

For Petitioner : Ms.R.Poornima

For Respondents : Mrs.M.Lalitha
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was initially appointed as Village Assistant (full time) in the year 1980 and he was paid a consolidated pay from 01.09.1980 to 31.05.1995. While so, in terms of G.O.Ms.168 Revenue Department dated 07.04.2010, the consolidated pension of Rs.900/- was enhanced to Rs.2,050/- with effect from 01.01.2006 notionally with monetary benefit from 01.01.2007 in respect of the Village Assistants, who had completed 10 years of service and in respect of those, who have completed more than 5 years of service, but below 10 years of service, a scheme was introduced in the year 1995 with Rs.900/-

as consolidated pension were granted a pension of Rs.460 only with effect from 01.01.2006. However, in terms of G.O.Ms.408, Finance (Pension) Department dated 25.08.2009, that 50% of the service rendered by the employees on consolidated pay, on daily wages and under non provincialized service under work charges establishment, has to be taken into account for the purpose of commutation of pensionable service, it is followed by regular time scale of pay for those, who are in service as on 01.04.2003 and to those who had retired from service prior to the date. The main grievance of the petitioner is that after serving more than 10 years of service and retired from service in the year 2000, he is receiving a pension of Rs.850/- only. Therefore, he made representation dated 12.07.2019 to the respondents to re-fix his pension in terms of G.O.Ms.408 dated 25.08.2009. Since, the same has not been considered by the respondents, the petitioner has filed the present petition.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that the petitioner is aged 80 years and during his life time, his pension may be refixed. He further submit that without going into the merits of the case, it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 12.07.2019 and pass orders within a stipulated time.

5. Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of the petitioner dated 12.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. For ready reference, the petitioner is directed to enclose a copy of the representation dated 12.07.2019 along with this order copy to enable the respondents to pass orders.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Finance (Pension) Department,
Secretariat, Chennai -9.

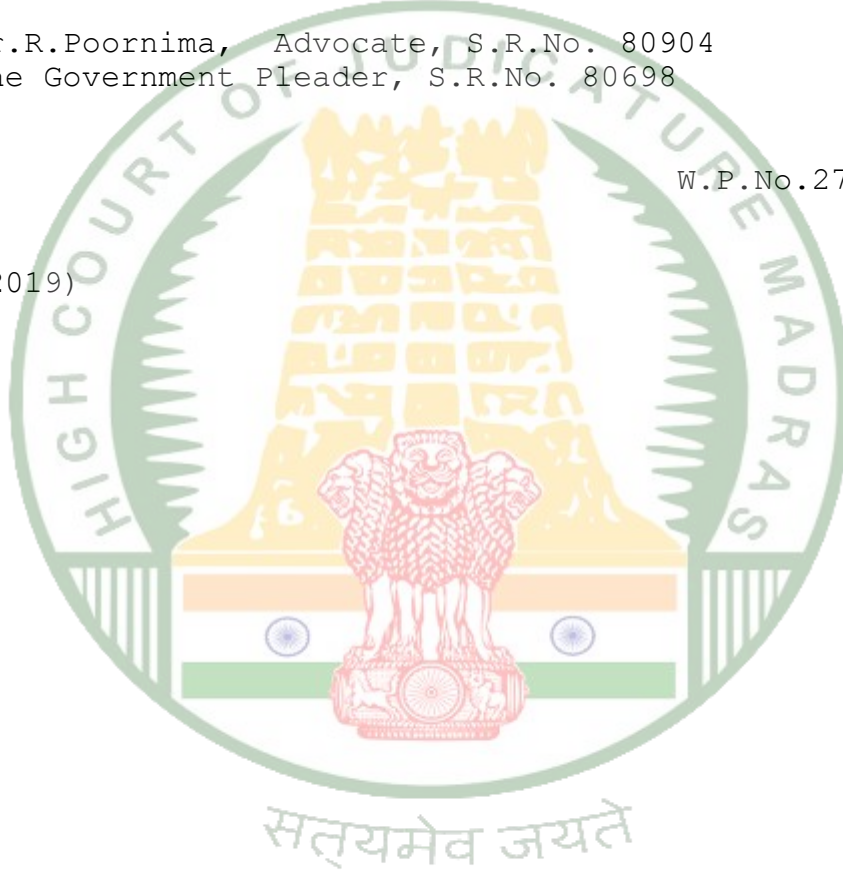
2.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Secretariat,
Chennai - 9.

+1cc to Mr.R.Poornima, Advocate, S.R.No. 80904

+1cc to the Government Pleader, S.R.No. 80698

W.P.No.27512 of 2019

BR(CO)
GN(17/10/2019)



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