



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.30008 of 2019

V.Nallathambi Gunaseelan

... Petitioner

Vs

1.The Principal Secretary to Government,
Higher Education (F1) Department,
Secretariat,
Chennai-600 009.

2.The Principal Accountant General
(Accounts and Entitlements),
No.361, Anna Salai,
Chennai -600 018.

3.Director of Collegiate Education,
9th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.

4.Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore-641018.

5.The Principal,
P.S.G.College of Arts & Science,
Coimbatore - 641 014.

6.The Secretary,
P.S.G.College of Arts & Science,
Coimbatore - 641 014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ, Order, Direction Particularly in the nature of Writ of Mandamus direct the respondents 1 to 4 to consider his representation dated 05.10.2019 and consequently directed to grant permission to the petitioner to rectified pay anomaly and revised pension benefits which was already sanctioned by the fourth respondent dated 05.02.2014 and 30.04.2014 and also I request the Government to grant the



benefit of Govt. of Tamil Nadu, Finance (Pay Cell) Department G.O.No.140 dated 25.04.2018, to sanction one increment since I completed one full year of service from 01.01.2012 prior to my retirement on 31.12.2012 and the increment falls due on 01.01.2013, the day following superannuation.

For Petitioner : Mr.M.Sundara Pandya Raja

For Respondents : Mr.V.Kadirvelu
Special Government Pleader

O R D E R

This Writ Petition has filed for the issuance of the Writ of Mandamus directing the respondents to consider the representation dated 05.10.2019 and to sanction one increment since he completed one full year of service from 01.01.2012 to 31.12.2012 and the increment falls due on 01.01.2013 the date following his superannuation.

2. According to the petitioner he worked as Associate Professor of Zoology Department of P.S.G. College of Arts and Science, Coimbatore. During his tenure of service, he served as Head of the Department of Zoology and retired on superannuation on 31.12.2012 and again he was re-employed from 01.01.2013 to 31.05.2013. Since his junior one S.Palanisawamy happened to be receiving higher salary than him, he raised objection and seek parity in payment of salary on par with his junior. He pursued the matter by making representations to the concerned authorities and even the fourth respondent by proceedings dated 01.01.2013 sanctioned the rectification of pay anomaly. However, vide proceedings dated 30.09.2014, the second respondent returned the revised pension proposal stating that the Government has alone the power to set right the case of the Government Servant. Later the petitioner was informed that the third respondent has sent letter to the Government seeking for clarification in regard to pay anomaly of retired teacher. But there was no reply. Therefore, the petitioner has made representation to all the respondents on 05.10.2019 to consider his request for rectification of pay anomaly and revised pensionary benefits and also to grant one increment for the last year he served. As there was no action forthcoming from the respondents, the petitioner is before this Court.

3. It appears that the petitioner all alone have been ventilating his grievances in respect of pay anomaly and grant of increment before the respondents and the same has not been considered by the respondents. The petitioner is a retired employee. According to the respondents, the petitioner has not made any representation to the Government seeking for



clarification in regard to pay anomaly and also for sanction of increment. Therefore, it is for the petitioner to work out his remedy in the manner known to law by making proper application to the Government.

WEB COPY

4. In view of the above, I do not find any merit in the Writ Petition and the same is therefore dismissed. No costs. However, the petitioner is at liberty to work out his remedy in the manner known to law.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

bkn
To

1. The Principal Secretary to Government,
Higher Education (F1) Department,
Secretariat,
Chennai-600 009.
2. The Principal Accountant General
(Accounts and Entitlements),
No.361, Anna Salai,
Chennai -600 018.
3. Director of Collegiate Education,
9th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.
4. Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore-641018.

+1 CC to Mr.M.Sundara Pandya Raja, Advocate sr 88501.
+1 CC to Govt. Pleader sr 88681.

W.P.No.30008 of 2019

SV(CO)
SP(09/01/2020)