

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2019
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33159 of 2018
and W.M.P.Nos.38469,38471 and 38475 of 2018

1.A.Bharathamani
2.K.Indirani

... Petitioners

Vs

- 1.The Principal Secretary to Government
Handloom, Handicrafts, Textiles and Khadi Department
Fort St.George, Chennai - 9.
 - 2.The Secretary to Government, School Education
Department, Fort St.George, Chennai-600 009.
 - 3.The Director, Department of Government Examinations
College Road, Nungambakkam, Chennai.
 - 4.The Accountant General (A&E), 361, Anna Salai
Teynampet, Chennai
- Respondents

For Petitioners :M/s J.Pooventhera Rajan
For Respondents :Mrs.P.Kavitha, Government Advocate
- for R2 and R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter of the first respondent in Letter No.2928/F1/2016-8 dated 19.12.2017 and quash the same as illegal and unlawful and consequentially direct the third and fourth respondents to disburse the pensionary benefits and monthly pension to the petitioners.

O R D E R

The petitioners were initially appointed as Helper, Grade III in the Khadi Board and as they were classified as excess staffs, they were subsequently absorbed in the Commercial Taxes Department and posted as Record Clerk in accordance with G.O.(Ms) No.154, Handloom, Handicrafts and Khadi Department with pay protection but without service benefits. Subsequently, by G.O.Ms.No.152, Handloom, Handicrafts and Khadi Department, service benefits were accorded to the employees absorbed from the Khadi department and the petitioners were granted with special grade on completion of 20 years of service. However, by the impugned letter dated 19.12.2017, the first respondent directed

all the heads of the departments to treat the granting of special grade to the absorbed employees as illegal and to recover the increment for special grade. The petitioners retired from service on 31.12.2017 and due to the impugned letter, the pensionary benefits were not disbursed to the petitioners. The petitioners have made a representation to the respondents dated 25.04.2018 in this regard, which was not considered. Hence, the petitioners have filed the present writ petition seeking appropriate relief.

2. This Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the representation of the petitioners and pass orders on the same within a particular time frame having regard to relief claimed being limited to consideration of the representation.

3. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioners dated 25.04.2018 and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government
Handloom, Handicrafts, Textiles and Khadi Department
Fort St.George, Chennai - 9.
- 2.The Secretary to Government, School Education
Department, Fort St.George, Chennai-600 009.
- 3.The Director, Department of Government Examinations
College Road, Nungambakkam, Chennai.
- 4.The Accountant General (A&E), 361, Anna Salai
Teynampet, Chennai

+1cc to M/s J.Pooventhera Rajan , Advocate SR.No.3684
+1 CC TO GOVERNMENT PLEADER SR.NO. 2613

W.P.No.33159 of 2018
and W.M.P.Nos.38469,38471
and 38475 of 2018

A.SK(08/02/2019)