

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.2104 of 2018**
and W.M.P(MD)No.2354 of 2018

U.Raja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (CMPC) Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 06.

3.The Joint Director (Vocational) of School Education,
College Road, Chennai - 06.

4.The Chief Educational Officer,
Chief Education Office,
Madurai, Madurai District.

5.The Principal Accountant General (G & SSA),
"Lekha Pariksha Bhavan",
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to refix the pay fixed by the respondents at the time of the petitioner's retirement, dated 01.04.2013 as Rs.15,600-39,100+5,400 and consequently, direct the respondents to refix pension with consequential monetary benefits to the petitioner within the time stipulated by this Court.

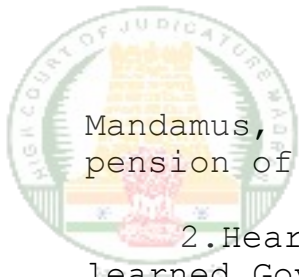
For Petitioner : Mr.T.Lajapathi Roy

For RR 1 to 4 : Mr.S.Angappan,
Government Advocate.

For R - 5 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed seeking issuance of a writ of



Mandamus, to direct the respondents to refix the Grade Pay and pension of the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Vocational Instructor on 01.04.1990 and retired from service on attaining the age of superannuation on 31.05.2013. Though the petitioner received Grade Pay of Rs.5,400/- till the date of his retirement, after his retirement, Grade Pay was refixed as Rs.4,600/- without issuing any notice and opportunity of hearing to the petitioner. Hence, the petitioner made a representation to the respondents on 22.01.2018 in this regard. Since the same has not been considered by the respondents, the petitioner has filed the present Writ Petition.

4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the prayer of the petitioner would be considered as per G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018 and seeks two months time for considering the claim of the petitioner.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 22.01.2018 seeking for re-fixation of Grade Pay and pension in the light of G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar



TO

1.The Principal Secretary,
Rep. by the State of Tamil Nadu,
Finance (CMPC) Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
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5.The Principal Accountant General (G & SSA),
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No.361, Anna Salai,
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+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-51138[F] dated
01/03/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-51218[F] dated
04/03/2019)

W.P (MD) No.2104 of 2018

28.02.2019

DS/ /SAR- (03.04.2019) 3P 8 C