



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. [MD] No.5241 of 2019**

N.Jagadeesan

: Petitioner

Vs.

1.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water Tank
Complex, 1st Floor, Dindigul Road,
Trichy-620 001.

2.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli-620 024.

3.The Bharathidasan University,
Rep. by its Registrar,
Palkalaiperur,
Tiruchirappalli-620 024.

: Respondents

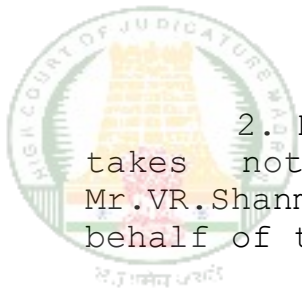
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to issue NOC Audit Certificate in the light of proposal submitted by the third respondent in Na.Ka.No.P1/16625/2018, dated 01.06.2018 and in the light of Audit Certificate issued to similarly placed persons viz., M.Panner Selvam by the second respondent in his proceedings in R.Dis.No.257/A2/2015, dated 29.07.2015 and by considering the petitioner's representations dated 24.07.2018 and 24.09.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Manikandan

For Respondents 1&2 : Mrs.J.Padmavathy Devi,
Special Government PleaderFor Respondent No.3 : Mr.VR.Shanmuganathan
Standing Counsel

O R D E R

The petitioner has filed the present Writ Petition seeking a direction to the second respondent to issue NOC Audit Certificate, in the light of proposal submitted by the third respondent in Na.Ka.No.P1/16625/2018, dated 01.06.2018 and by considering his representations dated 24.07.2018 and 24.09.2018



2. Mrs.J.Padmavathy Devi, learned Special Government Pleader, takes notice on behalf of the respondents 1 and 2 and Mr.VR.Shanmuganathan, learned Standing Counsel, takes notice on behalf of the third respondent.

3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that he was appointed as Office Assistant in 1991 and finally, promoted as Assistant Section Officer with effect from 30.01.2008. While so, one Sakthivel, who is junior to the petitioner, was awarded with selection grade with effect from 01.10.2008 in the post of Assistant Section Officer. Thus, the third respondent re-fixed the pay of the petitioner and the similarly placed persons on par with their junior Sakthivel, by awarding selection grade. By that time, the petitioner attained the age of superannuation on 31.07.2018. Taking note of the said facts, the third respondent, vide proceedings dated 01.06.2018, forwarded a proposal to the second respondent to issue Audit Certificate, so as to enable him to get pension. However, the second respondent, by proceedings dated 17.07.2018, informed that selection grade awarded to the petitioner in the post of Assistant Section Officer is contrary to G.O.Ms.No.68 and, therefore, requested the third respondent to re-submit the pension proposal after revising the scale of pay. When similarly placed persons, like that of the petitioner got the retirement benefits without any audit objection, the petitioner alone is discriminated, in spite of making repeated representations. Hence, this Writ Petition.

5. The learned Special Government Pleader for the respondents 1 and 2 submits that the representations of the petitioner dated 24.07.2018 and 24.09.2018 would be considered on merits and in accordance with law, within the time stipulated by this Court.

6. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, the respondents are directed to consider the representations of the petitioner dated 24.07.2018 and 24.09.2018 on merits and in accordance with law and also in the light of the order passed by this Court in W.P.(MD)No.19024 of 2016, dated 04.10.2016 in the case of one Selvam, who is similarly placed person, within a period of four weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS II)

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To **सर्वोच्च न्यायालय**

WEB COPY

1.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water Tank
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2.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli-620 024.

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-52334[F] dated 07/03/2019)

Order made in
W.P. [MD]No.5241 of 2019

Dated: **06.03.2019**

DS/ /SAR- (25.03.2019) 3P 4C