



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.9738 of 2019

WEB COPY

M.N.Al Syed Sirasdeen Bava

.. Petitioner

Vs.

1.The Principal Secretary,
Planning, Development and
Special Initiative Department,
Secretariat, Chennai - 9.

2.The Secretary/Commissioner,
Economics and Statistics Department,
Thenampet, Chennai - 6.

3.The Deputy Director,
District Statistical Office,
Thirunelveli District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the 1st and 2nd respondents to expedite the proceedings on the basis of the 2nd respondent in Lr.No19964/C4/2014-2 dated 05.02.2018 to revise the petitioner's salary as per his seniority and consequently direct the 2nd respondent to grant pension as per revised scale of pay from 02.02.2011 and to pay 18% interest for the delay of payment on the basis of the petitioner's representation dated 02.01.2019.

For Petitioner : M/s.J.Balameenakshi

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to expedite the proceedings on the basis of letter of the second respondent in Lr.No19964/C4/2014-2 dated 05.02.2018, with regard to revision of the petitioner's salary as per his seniority and consequently direct the second respondent to grant pension as per revised scale of pay from 02.02.2011 with 18% interest on the basis of the representation dated 02.01.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that he lastly served as Assistant Director of Statistics, Tenkasi Divisional Office and retired on 28.02.2014, on attaining the age of superannuation.



4.The grievance of the petitioner is that he made a representation dated 02.01.2019 to the respondents for refixing his salary as per his seniority, based on the letter of the second respondent dated 05.02.2018 and to grant pension as per revised scale of pay from 02.02.2011. Since no order has been passed on the petitioner's representation, the petitioner is before this Court seeking the above relief.

5.The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner would be considered on merits.

6.In view of the above submission, this Court, without going into the merits of the case, directs the respondents 1 and 2 to consider the representation of the petitioner dated 02.01.2019 with regard to revise the petitioner's scale and to grant pension and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Planning, Development and
Special Initiative Department,
Secretariat, Chennai - 9.

2.The Secretary/Commissioner,
Economics and Statistics Department,
Thenampet, Chennai - 6.

3.The Deputy Director,
District Statistical Office,
Thirunelveli District.

+1cc to Mr.J.BALAMEENAKSHI, Advocate, SR.No.62247

+1cc to M/s.Special Government Pleader, SR.No.62472