BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.08.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P[MD]No.5583 of 2014

P.Shanmugiah ... Petitioner

Vs.

1.The Accountant General (Accounts & Entitlements),
361, Anna Salai,
Chennai - 600 018.

2.The Special Tahsildar (ADW),
Thiruvaiyaru,
Thanjavur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent ie., the Principal Accountant General (A&E), Chennai relating to the proceedings No.Pr.AG(A&E)/PEN9/IV/30907261/RN/13-14/ADK dated 30.12.2013 and quash the same and consequently direct the first respondent to accept the proposals sent by the second respondent ie., the Special Tahsildar (ADW), Thiruvaiyaru, Thanjavur District in his letter dated 11.10.2013 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondent No.1 : Mr.P.Gunasekaran
Standing Counsel
For Respondent No.2 : Mr.S.Dhayalan
Government Advocate

O R D E R

The order issued by the Accountant General of Tamil Nadu in proceedings dated 30.12.2013, rejecting the claim of the writ petitioner for revision of scale of pay as well as the pension is under challenge in the present writ petition.

2.Learned Counsel appearing on behalf of the writ petitioner made a submission that the petitioner was employed as Special Grade Secondary Grade Teacher in the Adi-Dravidar Welfare Department Primary School and reached the age of superannuation on 31.05.2012 and allowed to retire from service. It is contended that pursuant to the One Man Commission report issued G.O.Ms.No.234, Finance (Paycell) Department dated 01.06.2009, revising the pay Rules, 2009 with revised fitment tables. Pursuant to the recommendation, which was implemented by the Government through G.O.Ms.No.234, the last drawn pay as applicable to the writ petitioner was wrongly calculated by the authorities. Thus, the petitioner is constrained to move the present writ petition.

3.Learned Counsel for the writ petitioner states that the pension was fixed as Rs.9650/- instead of Rs.12306/-. When revision of pension was sought for, the Accountant General returned the same stating the as per the scale of pay, revision of pension is not necessary. After G.O.Ms.No.234, the pay band was revised on 15.09.2010, as per the Government letter No.51082/Paycell/2010-1 Finance (Paycell) Department with fitment tables. Thus, as per the Government Letter, the pay and last pay drawn ought to have been revised and accordingly, pension must be revised.

4.The learned Standing Counsel appearing on behalf of the Principal Accountant General of Tamil Nadu, disputed the contentions of the writ petitioner by stating that the Government Letter dated 15.09.2010 is inapplicable in respect of the post of Special Grade Secondary Grade Teachers.

5.The revised pay band / scale of pay was introduced accepting the official Committee's recommendations in G.O.Ms.No.234 and consequent to the implementation of the official committee in G.O.Ms.No.234, the Government issued the clarificatory letter. The clarificatory letter was issued in order to rectify the anomalies only in certain cases where the scale of pay was revised on account of G.O.Ms.No.234. Thus, the clarification was made to rectify the anomaly and not to revise the scale of pay. The letter dated 15.09.2010 also states that 'the One Man Commission constituted in the Government Order second cited to examine the anomalies, if any, arisen consequent on the implementation of the recommendations of the Official Committee 2009 has recommended for revision of scales of pay of a number of posts in various departments. Based on these recommendations, orders were issued in the Government Orders dated 26.08.2010, revising the scales of pay of certain categories in various departments'.

6.Relying on the said clarificatory letter, learned Standing Counsel appearing on behalf of the Accountant General of Tamil Nadu made a submission that the post of Special Grade Secondary Grade Teacher did not fall under the category where the anomaly arose on account of the implementation of the recommendations of the official committee which was issued in G.O.Ms.No.234.

7.In view of the fact that there was no anomaly regarding the post of Special Grade Secondary Teacher, the scale of pay or pay band or the pension of the writ petitioner deserves no revision as it was fixed in accordance with G.O.Ms.No.234. Even in such cases, this Court is of an opinion that the authorities competent are bound to verify the correctness or otherwise the scale of pay as well as the pension as applicable to the writ petitioner with reference to

G.O.Ms.No.234 and accordingly, correct the same if any error occurred on earlier occasion. This exercise is to be done by the respondents within a period of eight weeks from the date of receipt of a copy of the order. If at all, any mistake or otherwise is identified in respect of the revision of scale of pay, pension or otherwise, the same is to be rectified strictly in accordance with the guidelines issued in G.O.Ms.No.234 dated 01.06.2009 as well as the letter dated 15.09.2010.

8.With these clarifications, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Accountant General (Accounts & Entitlements),
361, Anna Salai,
Chennai - 600 018.

2.The Special Tahsildar (ADW),
Thiruvaiyaru,
Thanjavur District.

+1 CC to Mr.S.VISVALINGAM, Advocate (SR-80539[F] dated 08/08/2019)
+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-80951[F] dated 09/08/2019)
+1 CC to SPL GP (SR-81180[F] dated 09/08/2019)
+1 CC to SPL GP (SR-81164[F] dated 09/08/2019)

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MR
MK (22.10.2019) 3P 7C