

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.2015 of 2015**

WEB COPY

B.Alagarsamy

... Petitioner

vs.

1. The State of Tamil Nadu
rep.by The Secretary to Government
Finance (Pension) Department
Chennai-600 009

2. The Accountant General (A&E)
Tamil Nadu
361, Anna Salai
Chennai-600 018

3. The District Treasury Officer
Madurai District, Madurai-625 020

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to implement the order dated 01.08.2006 in W.P.(MD) No.11016 of 2005 by revising the pensionary benefits to the petitioner in accordance with G.O.M.S.No.272 and 273 Finance (Pension) Department dated 15.06.1998 wherein merger of entire Dearness Allowance as Dearness pay and pay the consequential arrears within a stipulated period by this Court.

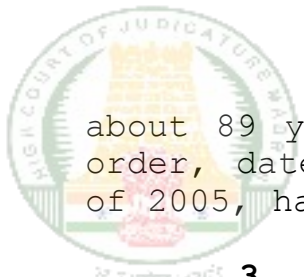
For Petitioner : Mr.B.Alagarsamy
Party-in-Person

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader for R1 & R3
Mr.P.Gunasekaran for R2

O R D E R

The relief sought for in the present writ petition is to implement the order, dated 01.08.2006, passed in W.P.(MD) No.11016 of 2005, by revising the pensionary benefits of the writ petitioner in accordance with G.O.Ms.Nos.272 and 273, Pension Department, dated 15.06.1998 and to pay the consequential arrears, within the stipulated period.

2. The writ petitioner, who appeared in person, pleads that he is a retired Headmaster from the Government Kallar High School, Melagudalur, erstwhile Madurai District. The writ petitioner attained the age of superannuation and retired from service on 31.07.1989. The writ petitioner is now receiving pension and aged



about 89 years. The grievance of the writ petitioner is that the order, dated 01.08.2006, passed by this Court in W.P.(MD) No.11016 of 2005, has not been implemented.

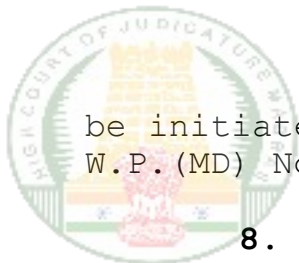
3. Contrarily, the learned counsel appearing for the Accountant General of Tamil Nadu made a submission that the matter has already been taken by way of appeal to the Honourable Supreme Court of India and based on the orders passed by the Honourable Supreme Court of India a common Government Order has been issued in G.O.No.363, Finance (PGC) Department, dated 23.08.2013.

4. The learned Additional Government Pleader appearing for the respondents 1 and 3 states that a batch of writ petitions were filed by many number of pensioners, who retired between 01.06.1988 and 31.12.1995 for grant of revised scale of pay and dearness allowance.

5. The issue has already been settled by the Honourable Supreme Court of India and in implementation of the orders passed by the Honourable Supreme Court of India, the Government issued G.O.No.363, Finance (PGC) Department, dated 23.08.2013. Accordingly, the revised pension had been worked out in respect of all the pensioners, who had retired from service between 01.06.1988 and 31.12.1995.

6. With reference to the writ petitioner, the revision of pension under G.O.No.363, Finance (PGC) Department, dated 23.08.2013, has already been done by the Office of the Principal Accountant General of Tamil Nadu, in proceedings dated 01.07.2014. A copy of the said proceedings is also enclosed in the typed set of papers filed along with the writ petition, more specifically, in Page No.125. On a perusal of the said proceedings, it is clear that the pension of the writ petitioner was revised with reference to G.O.No.363, Finance (PGC) Department, dated 23.08.2013.

7. The writ petitioner states that the Government has not preferred any appeal as against the order passed by this Court insofar as his case is concerned. However, this Court is of the considered opinion that even though a separate appeal has not been filed, the issue in entirety had been decided by the Honourable Supreme Court and the Government has also implemented the orders of the Honourable Supreme Court with reference to all the pensioners, who retired from service between 01.06.1988 and 31.12.1995. When the revision of scale of pay had already been effected in respect of the pensioners, who retired from service between 01.06.1988 and 31.12.1995, now the writ petitioner cannot say that further revision is to be effected with reference to the orders of this Court passed in W.P.(MD) No.11016 of 2005. Even though no separate appeal has been filed, since the issues were already adjudicated by the Honourable Supreme Court and the Government has also implemented the orders of the Honourable Supreme Court, no further proceedings can



be initiated with reference to the order dated 01.08.2006, passed in W.P.(MD) No.11016 of 2005.

8. This apart, the pension of the writ petitioner has been revised with reference to the Government Order in G.O.No.363, Finance (PGC) Department, dated 23.08.2013. If at all any grievance exists to the writ petitioner as of now, it is left open to him to approach the competent authorities by way of a fresh representation and in the event of receiving any such representation from the writ petitioner, the authorities competent are bound to consider the same and pass orders as expeditiously as possible.

9. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Finance (Pension) Department,
State of Tamil Nadu,
Chennai-600 009.
2. The Accountant General (A&E)
Tamil Nadu
361, Anna Salai
Chennai-600 018
3. The District Treasury Officer,
Madurai District,
Madurai-625 020.

+1 CC to SPL GP (SR-75419[F] dated 16/07/2019)
+1 CC to Mr.B.ALAGARSAMY, Party-In-Person (SR-75335[F] dated
15/07/2019)

W.P. (MD) No.2015 of 2015
15.07.2019

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