



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

and

THE HONOURABLE MRS. JUSTICE R. THARANI

W.P (MD) No. 19880 of 2018

V. Yogeswaran

.. Petitioner

Vs.

The District and Sessions Judge,
Kanyakumari District at
Nagercoil.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in order in Roc.No.53/2018/CN, dated 08.06.2018, quash the same and direct the respondent to grant 5% P.P. To the petitioner as per order passed by this Court in W.P. (MD) No.8818 of 2008, dated 13.10.2009 and as per the proceedings of the Government dated 10.09.2010.

For Petitioner : Mr.R.V.Rajkumar

For Respondent : Mr.K.Samidurai

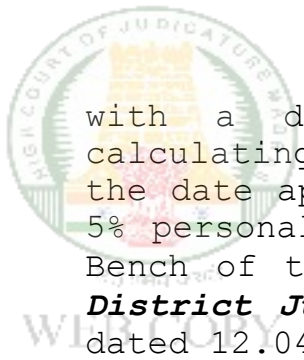
ORDER

[Order of the Court was made by **T.S. SIVAGNANAM, J.**]

Heard Mr.R.V.Rajkumar, learned counsel appearing for the petitioner and Mr.K.Samidurai, learned counsel appearing for the respondent.

2. The petitioner seeks for issuance of writ of certiorarified mandamus to quash the order passed by the respondent, dated 08.06.2018 and to direct the respondent to grant 5% personal pay to the petitioner following the order passed by this Court in W.P.(MD)No.8818 of 2008, dated 13.10.2009 and taking note of the proceedings of the Government, dated 10.09.2010.

3. An identical issue was considered by the Hon'ble Division Bench of this Court in the case of **V. Subbaraman Vs. The District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District and others** in W.P.(MD)No.13665 of 2013 dated 20.03.2017 and following the earlier orders, the said writ petition was allowed



with a direction to the first respondent to send proposal calculating the petitioner's entitlement of personal pay at 5% from the date appointment till the date on which, he is eligible to draw 5% personal pay. Similar order was passed by the Hon'ble Division Bench of this Court in the case of **V.Yogeswaran Vs. The Principal District Judge, Nagercoil and another** in W.P.(MD)No.19891 of 2015, dated 12.04.2017.

4. The learned counsel for the respondent does not dispute the above legal position.

5. In the light of the settled legal position, this writ petition is allowed directing the respondent to send appropriate proposal for the purpose of grant of 5% personal pay to the petitioner. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

The District and Sessions Judge,
Kanyakumari District at
Nagercoil.

+1CC TO MR.R.V.RAJKUMAR, Advocate Sr. No. 97573

W.P(MD)No.19880 of 2018

11.11.2019

KG (CO)

TR(25.11.2019)2P 3C