



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD).No.10552 of 2017

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P. Palanichamy

.. Petitioner

Vs.

1.The Director of Technical Education,
Sardar Patel Road,
Gunidy, Chennai - 600 025.

2.The Principal,
Mohamed Sathak Polytechnic College,
East Coast Road,
Kilakari - 623 806.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent i.e., the Principal, Mohamed Sathak Polytechnic College, Kilakarai to carry out the directions of the Director of Technical Education, Chennai by sending revised Pension Proposals within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr. S. Viswalingam
For R1	: Mr. Aayiram K. Selvakumar
	Additional Government Pleader
For R2	: No appearance

O R D E R

This Writ Petition has been filed for issuing a direction to the second respondent i.e., the Principal, Mohamed Sathak Polytechnic College, Kilakarai to carry out the directions of the Director of Technical Education, Chennai, by sending revised Pension Proposals within a time frame to be fixed by this Court.

2. According to the petitioner, he worked as a Skill Assistant in the 2nd respondent's college and he was retired from service on 31.05.2013. At the time of his retirement, he was getting basic pay of Rs.12,840/-, D.A. Rs.11,261 and G.P. Rs.2,800/-. Based on the aforesaid scale of pay, the pension



proposals were submitted to the respondents and he is receiving the pension amount. But, subsequently, he made a request to the respondents stating that his grade pay should have been fixed at Rs.4,400/- on par with the similarly placed persons in all other Polytechnic College even during his service. Despite the same, the Director of Technical Education, Chennai had sent a Ref.No.48852/S3/2014, dated 18.01.2017, to the second respondent College to make entries in the service register of the petitioner by fixing the grade pay at Rs.4,400/- and to send the revised pension proposals so as to send it to Accountant General, Chennai. But, the second respondent has not taken any action to re-fix his grade pay as Rs.4,400/- and making entries in the Service Register and to send revised pension proposals to the first respondent. Hence, the petitioner has filed the present Writ Petition before this Court seeking a direction to the second respondent to send a revised proposal to the first respondent.

3. Though notice was served on the second respondent and his name is also printed in the cause list, there is no representation on behalf of the second respondent.

4. On perusal of the records it is seen that the first respondent has already sent a communication to the second respondent to resubmit the said proposal by carrying out the necessary entries in the petitioner's Service Register by fixing the Grade Pay of Rs.4,400/-. But, the second respondent has not taken any steps to send a communication to the first respondent. It is admitted fact that petitioner has not made any representation to the second respondent.

5. Considering the facts and circumstance of the case and also considering the fact that the second respondent has already received a communication, dated 18.01.2017 and the same has not been re-submitted by the first respondent, this court is inclined to dispose of the Writ Petition with the following directions:

(i) The petitioner is directed to send a representation to the second respondent to make necessary entries in his Service Register, within a week from the date of receipt of a copy of this order.

(ii) On such representation made by the petitioner, the second respondent is directed to make necessary entries in the Service Register, as per the communication of the first respondent, dated 18.01.2017 and re-submit the proposal to them within a period of four weeks, thereafter.

(iii) Thereafter, the first respondent is directed to pass appropriate orders in the said proposal as expeditiously as possible.



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6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1.The Director of Technical Education,
Sardar Patel Road,
Guindy, Chennai - 600 025.

2.The Principal,
Mohamed Sathak Polytechnic College,
East Coast Road,
Kilakari - 623 806.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-79541[F] dated
02/08/2019)

+1 CC to M/s.SPL GP (SR-79712[F] dated 05/08/2019)

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02.08.2019

KK/SAR/30.08.2019/3P-5C/