



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14926 of 2013

S.Ramu

... Petitioner

-Vs-

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

2. The Director (CARDS),
Tamil Nadu Agricultural University,
Coimbatore.

3. The Professor and Head
Department of Agricultural Economics,
Tamil Nadu Agricultural University,
Coimbatore.

4. The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to implement the 4th respondent order in No.P(2)/2546/2013 dated 16.07.2013 consequently, sanction the revised pension arrears from 01.03.2011 to till date of Government Order in G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 and other benefits to the petitioner.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.A.Thirumurthy

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to implement the fourth respondent's order dated 16.07.2013 and grant revised pension arrears with reference to the Government Order issued in G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 and other benefits to the writ petitioner.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was working as Senior Agriculture Officer and retired from service on 31.05.2010. The



Government issued G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011, granting revision of pay and based on that the fourth respondent also issued proceedings dated 16.07.2013, granting revision of pay.

3.Relying on the said proceedings of the Tamil Nadu Agricultural University, the writ petitioner claims that arrears of pension is to be paid in the revised scale of pay.

4.The learned counsel appearing on behalf of the respondents states that the revision of scale of pay has already been granted to the writ petitioner and arrears alone are yet to be paid and on account of the fact that the order passed by the Hon'ble Division Bench of Madras High Court is now *subjudized* before the Hon'ble Supreme Court of India. Only after passing of the final order by the Hon'ble Supreme Court of India, the case of the writ petitioner is to be considered with reference to the proceedings issued on 16.07.2013.

5.In this regard, the Hon'ble Division Bench of Madras High Court passed an order dated 27.02.2014. The said order was taken by way of an appeal by the State before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India passed an interim order and the S.L.P., is now pending before the Hon'ble Supreme Court of India. Under these circumstances, this Court cannot issue any directions, granting arrears to the writ petitioner based on the Government Order issued in G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013. Thus, the case of the writ petitioner is directed to be considered, after disposal of the S.L.P., by the Hon'ble Supreme Court of India and with reference to the Government Order in this regard.

6.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.



2. The Director (CARDS),
Tamil Nadu Agricultural University,
Coimbatore.

3. The Professor and Head
Department of Agricultural Economics,
Tamil Nadu Agricultural University,
Coimbatore.

4. The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore.

+ 1 CC to Mr.A.Thirumurthy, Advocate in SR.No.72767
+ 1 CC to Mr.A.Haja Mohideen, Advocate in SR.No.72831

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