

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 11994 of 2013

1.K.Panchalai
2.A.Suseela
3.K.Katheeja

.. Petitioners

- Vs -

1.The Secretary,
Highways Department,
Fort.St.George,
Chennai 600 009.

2.The Secretary,
School Education Department,
Fort.St.George,
Chennai 600 009.

3.The Secretary,
Finance (PC) Department,
Fort.St.George,
Chennai 600 009.

4.The Divisional Engineer,
Chengalpet Division,
Kancheepuram District.

5.The Chief Educational Officer,
Kancheepuram,
Kancheepuram District,

6.The Sub Treasure Officer,
Uthiramerur,
Kancheepuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents herein to implement the G.O.Ms.No.371, Finance (Pension) Department dated 30.04.1986 by treating the Dearness Allowance sanctioned upto 1.10.1987 as Dearness pay for the purpose of calculating pension /Family Pension to the petitioners herein in light of the order the Hon'ble Supreme Court in SLP (Civil Appeal) No.8848-8849 of 2012 dated 17.01.2013.

For Petitioners: M/S.R.Jayaprathap for
M/S.G.Punniyakooti

For Respondents: Mr.A.N.Thambidurai, Spl.G.P for RR2 & 5
:Mr. S.Suresh Kuamr, G.A. For RR 1,3 &4

ORDER

This Writ Petition has been filed by the petitioners, to direct the respondents herein to implement the G.O.Ms.No.371, Finance (Pension) Department dated 30.04.1986 by treating the Dearness Allowance sanctioned upto 1.10.1987 as Dearness pay for the purpose of calculating pension /Family Pension to the petitioners herein in light of the order the Hon'ble Supreme Court in SLP (Civil Appeal) No.8848-8849 of 2012 dated 17.01.2013.

2.The case of the petitioners is that they are receiving family pension and that they are entitled to the benefits under G.O.Ms.No.371, Finance (Pensions) Department dated 30.04.1986. In that G.O., recommendation was made for the grant of V Pay Commission to the petitioners and similarly situated persons and the said issue was settled by the Hon'ble Apex Court in SLP (Civil Appeal) No.8848-8849 of 2012 dated 17.01.2013. In order to avail such benefits, the petitioners made representation jointly on 22.02.2013 to the respondents. Till date the representation was not considered, hence the present writ petition.

3.Though very many grounds have been raised in the writ petition, however, when the matter is taken up, learned counsel appearing for the petitioners submitted that it would suffice if this Court directs the 1st respondent to consider the representation made by the petitioners on 22.2.2013 in accordance with law.

4.On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who submitted that a detailed counter has been filed on behalf of the respondents. However, he has no serious objections for directing the respondents to pass orders on the representation submitted by the petitioners.

5. In such view of the matter, without expressing any opinion and going into the merits of the issue, considering the limited relief sought for, this Court directs the 1st respondent to consider the representation made by the petitioners in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Secretary,
Highways Department,
Fort.St.George,
Chennai 600 009.
2. The Secretary,
School Education Department,
Fort.St.George,
Chennai 600 009.
3. The Secretary,
Finance (PC) Department,
Fort.St.George,
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4. The Divisional Engineer,
Chengalpet Division,
Kancheepuram District.
5. The Chief Educational Officer,
Kancheepuram,
Kancheepuram District,
6. The Sub Treasure Officer,
Uthiramerur,
Kancheepuram District.

+1ccs to Government Pleader, Sr.No. 27499 & 27420

W.P. NO.11994 OF 2013

LN(CO)
RMP(06/10/2020)