

IN THE HIGH COURT OF JUDICATURE AT MADRAS

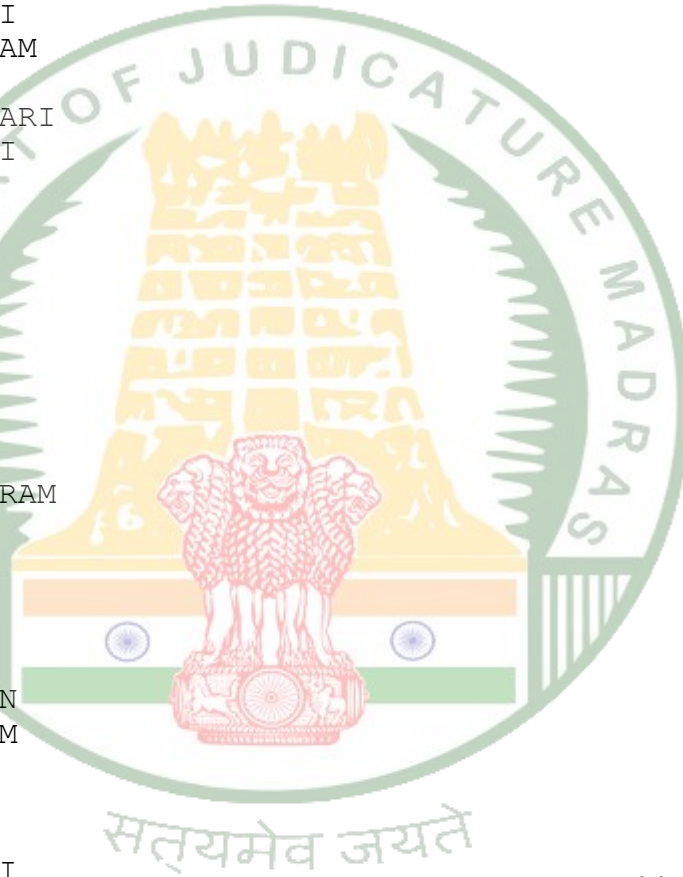
DATE : 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12802 OF 2013

1 M.SETHURAMAN
2 M.MARIAPPAN
3 LIZZIE RAJABAI
4 M.ALAGUSUNDARAM
5 A.D.JEYAMANI
6 C.VEERAM POOSARI
7 S.RATHINAVALLI
8 A.THERESE
9 U.MEENAMBAL
10 P.THANGAVELU
11 T.RAJAM GRACE
12 D.REGINAMARY
13 V.JEYALAKSHMI
14 A.SANTHOSAM
15 B.PITCHAI
16 S.PUNYAVATHI
17 MAILIYA SUNDARAM
18 S.NATARAJAN
19 A.THANGAIAH
20 S.SAVARIMUTHU
21 T.THANGARAJ
22 R.MARUTHA RAJ
23 S.VENKATASEHAN
24 A.PANCHAVARNAM
25 K.RENGANAYAKI
26 D.MEENAKSHI
27 I.KAMALAM
28 S.MUTHULAKSHMI



.. Petitioners

- Vs -

1. The Secretary,
School Education Department,
Fort.St.George,
Chennai 600 009.
2. The Secretary,
Finance (PC) Department,
Fort.St.George,
Chennai 600 009.

WEB COPY

3. The Chief Educational Officer,
Dindigul District, Tamilnadu.

4. The Sub Treasury Officer,
Nathanm, Dindigul District.
Tamilnadu

... 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: No appearance

For Respondents : Mr.A.N.Thambidurai, Spl.G.P

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 retired Government servants and 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 has not been considered, which prompted the petitioners to file the present writ petition.

3. When the matter is taken up, there is no representation for the petitioners. Even on earlier occasions, there was no representation. Since the petition pertains to the year 2013 and the relief sought for falls within a narrow compass, this Court proceeds to take up the matter on merits and pass order in the absence of the learned counsel for the petitioners.

4.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, the relief sought for being one of considering the representation submitted by the petitioners, 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 of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Secretary,
School Education Department,
Fort.St.George, Chennai 600 009.
2. The Secretary,
Finance (PC) Department,
Fort.St.George, Chennai 600 009.
3. The Chief Educational Officer,
Dindigul District,Tamilnadu.
4. The Sub Treasury Officer,
Nathanm, Dindigul District, Tamilnadu.

+1cc to the Government Pleader, S.R.No.31945

W.P. NO.12802 OF 2013

VSNII(CO)
CS/02/11/2020