

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3762 of 2020

Mrs.Margaret Mangaladurai

... Petitioner

vs.

1. The Principal Secretary,
Higher Education Department (E2),
Tamil Nadu Government,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary,
Finance Department (Pension),
Tamil Nadu Government,
Fort St. George,
Chennai - 600 009.
3. The Director of Collegiate Education,
9th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
4. The Regional Joint Director of Collegiate Education,
Chennai Region,
577, Anna Salai, IASE Campus,
Saidapet,
Chennai - 600 015.
5. The Pension Pay Officer,
571, Anna Salai,
Nandanam, Chennai - 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider petitioner's representation dated 28.5.2018 for revising her pension as equivalent to Professor in P.G. Colleges in the Scale of Pay of Rs. 16,400/- - 450 - 20,900/- - 500 - 22,400/- with effect from 1.1.1996 and thereafter as per G.O.Ms. No. 235 Finance (Pension) Department dated 1.6.2009 at Rs. 25,445/- with notional effect from 1.1.2006

and monetary effect from 1.1.2007, in the Pay Band of Rs.37,400/- - Rs.67,000/- plus A.G.P. Rs.10,000/- and thereafter consequently to revise her pension as per G.O.Ms.No.313 Finance (P.C.) Department dated 25.10.2017 with reference to Professor Scale of Pay with notional effect from 1.1.2006 and monetary effect from 1.10.2017 and also regulated as per G.O.Ms.No.42 dated 7.2.2011 with all consequential benefits pay the arrears to the petitioner.

For Petitioner : Duraikkan S. Philip

For Respondents : Mr.Karthikei Balan
Government Advocate

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 28.05.2018 and to revise her pay scale and consequently to revise her pension and to pay her the arrears along with other monetary benefits.

2.The case of the petitioner is that she was appointed as Physical Directress in Stella Maris College in the year 1952. She attained superannuation in the year 1987 and she was re-employed and her services were continued till 30.05.1988.

3.The grievance of the petitioner is that when she retired she was considered to be a Professor and she enjoyed all the benefits provided to the Professor and therefore, she was entitled for a higher scale of pay. The petitioner had sent a representation on 14.07.2009 to revise her pension with reference to G.O.Ms.No.235, dated 01.06.2009. Thereafter, the petitioner sent various representations. The petitioner is also relying upon the subsequent relevant Government orders for revision of pension and for payment of arrears of pension. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.Duraikkan S. Philip, learned counsel appearing on behalf of the petitioner and Mr.Karthikei Balan, learned Government Advocate appearing on behalf of the respondents.

5.It is seen from records that the petitioner had retired from service in the year 1987. She had sought for revision of scale of pay and for revision of pension in the year 2009. Thereafter, the petitioner has only sent representations and she has never approached this Court. The petitioner is now aged

about 90 years, and at the fag end of her life, has chosen to approach this Court seeking for a direction to the respondents to consider her representation and to give her relief.

6. In the considered view of this Court, the relief claimed by the petitioner is clearly hit by latches. The petitioner had retired in the year 1987-88 and from then on she is seeking for revision in the year 2020. Such claim cannot be entertained by this Court. Therefore, this Court does not find any merits in this writ petition and no useful purpose will be served in directing the respondents to consider the representation made by the petitioner.

7. In the result, this writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal Secretary,
Higher Education Department (E2),
Tamil Nadu Government,
Fort St. George,
Chennai - 600 009.
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Finance Department (Pension),
Tamil Nadu Government,
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3. The Director of Collegiate Education,
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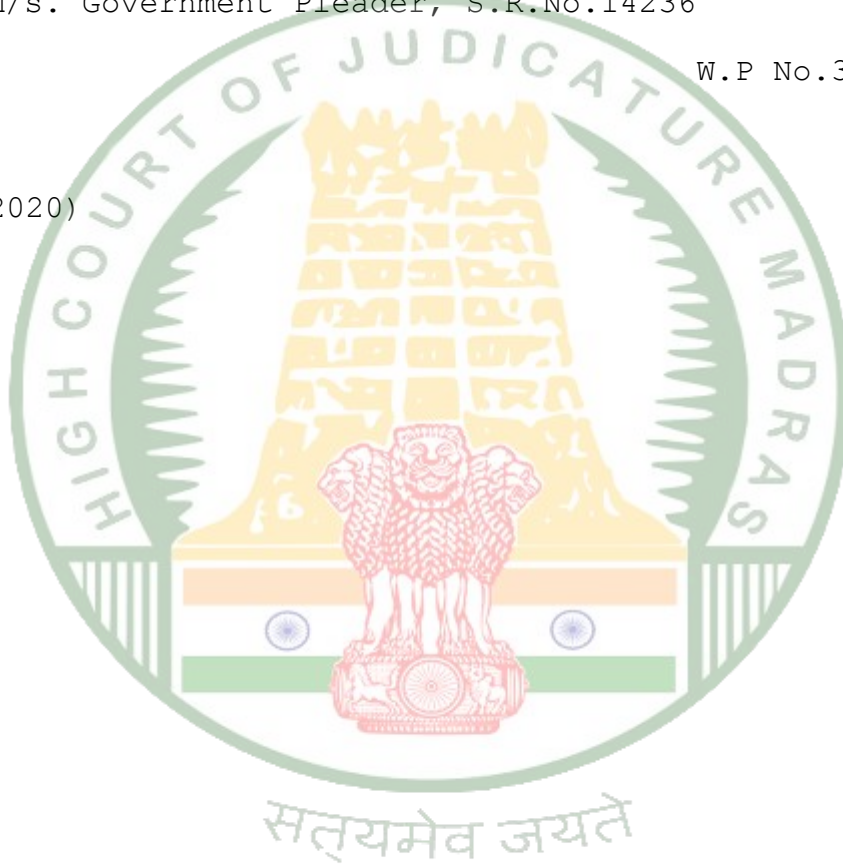
6. The Public Prosecutor,
High Court,
Madras.

+1 cc to Mr.Duraikkan S. Phillip, Advocate, S.R.No.13465

+1 cc to M/s. Government Pleader, S.R.No.14236

W.P No.3762 of 2020

BS (CO)
RN(20/05/2020)



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