

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.26108 of 2007

and M.P.No.2 of 2007

S.Ramalingam .. Petitioner
Headmaster - Retired
Adi Dravidar Welfare Elementary School
Karumangudi
Vridhachalam Taluk
Cuddalore District.

Vs.

- 1.The Government of Tamil Nadu ... Respondents
Rep by the Secretary to Government
Adi Dravidar & Tribal Welfare Department
Fort St.George, Chennai - 9.
- 2.The Director of Adi Dravidar & Tribal Welfare
Chepauk,
Chennai - 5.
- 3.The District Adi Dravidar and Tribal Welfare Officer
Cuddalore District,
Cuddalore.
- 4.The District Collector
Cuddalore District,
Cuddalore.
- 5.The Accountant General
Teynampet,
Chennai - 18.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the fourth and fifth respondent in relation to the proceedings issued in W.9/26064/2005 dated 31.05.2005 by the fourth respondent and in No.AG(A&E)/PEN PO9/2/R168-1679/RTD/2006-2007/11941 dated 18.1.2007 and in AG(A&E)PEN PO9/2/R9-99/REV/2007-2008/1807 dated 1.5.2007 by the 5th respondent and quash the same and issue a consequential direction to the respondents to restore the pay of the petitioner at Rs.1760/- in the scale of pay of Rs.1640-2900 with

effect from 1.6.88 and fix the petitioner's pay at Rs.9650/- as on 31.5.2005 and then fix pension and release the amount of Rs.3,04,076/- recovered from the amount of gratuity and pension to the petitioner with interest @ 18% per annum.

For Petitioner : Ms.J.Jessie Juliet
for Mr.R.Saseetharan

For Respondents : Mr.P.Chinnadurai
Spl. Government Pleader [R1 to R4]

Mr.V.Vijay Shankar
Standing Counsel for R5

ORDER

The writ petition has been filed to quash the impugned orders passed by the fourth and fifth respondents and seeking a direction of this Court to issue a consequential direction to the respondents to restore the pay of the petitioner at Rs.1760/- in the scale of pay of Rs.1640-2900 with effect from 1.6.88 and to fix the petitioner's pay at Rs.9650/- as on 31.5.2005 and then fix pension and release the amount of Rs.3,04,076/- recovered from the amount of gratuity and pension to the petitioner with interest @ 18% per annum.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for respondents 1 to 4 and the learned Standing Counsel appearing for the fifth respondent.

3. The learned counsel appearing for the petitioner would submit that a writ petition in W.P.No.20952 of 2007 has been filed by a similarly placed person seeking a relief as prayed by the petitioner in the present case, in which, this Court has set aside the impugned orders of the respondents, who are one and the same in both the cases, and the writ petition in W.P.No.20952 of 2007 came to be allowed vide order of this Court dated 15.12.2017.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 also conceded to the submissions of the learned counsel for the petitioner. He also produced a copy of the letter issued by the third respondent dated 02.12.2020 addressed to the Office of the Additional Government Pleader, High Court, Madras, stating about the filing of the present writ petition in W.P.No.26108/2007 and that no appeal has been preferred against the order of this Court dated 15.12.2017 in W.P.No.20952 of 2007 preferred by one C.P.Murugesan, seeking same relief.

5. It is relevant to extract paragraph No.15 of the order dated 15.12.2017 in W.P.No.20952 of 2007 :

<https://hcservices.ecourts.gov.in/hcservices> Nov 15, 2024 In view of the above narrated facts, this Court

has no hesitation to allow the writ petition as the petitioner has made out a clear case for grant of relief in his favour. **Accordingly, the Writ Petition stands allowed.** The impugned orders in Na.Ka.W.7/73438/2000 dated 12.04.2001 issued by the 3rd respondent and in Na.Ka.No.A1/580/01 dated 24.5.2004 by the 5th respondent and in No.AG(A&E)/PEN P09/5/M45-464/RTD/2004-2005 dated 2.9.2005 by the 4th respondent are set aside. There shall be a consequential direction to the respondents to restore the pay of the petitioner to the original status and his pension has to be calculated on the basis. The petitioner is entitled to arrears of such re-calculation. The respondents are also directed to refund the amount recovered from the petitioner's retirement benefits. The above directions shall be complied with by the respondents within a period of ten weeks from the date of receipt of a copy of this order."

6. Considering the identical facts of the case in W.P.No.20952 of 2007, this Court has no hesitation to allow the writ petition. Accordingly, the writ petition stands allowed. The impugned orders in W.9/26064/2005 dated 31.05.2005 issued by the fourth respondent and in No.AG(A&E)/PEN P09/2/R168-1679/RTD/2006-2007/11941 dated 18.1.2007 and AG(A&E)PEN P09/2/R9-99/REV/2007-2008/1807 dated 1.5.2007 issued by the 5th respondent are set aside. There shall be a consequential direction to the respondents to restore the pay of the petitioner to the original status and his pension has to be calculated on the basis. The petitioner is entitled to arrears of such re-calculation. The respondents are also directed to refund the amount recovered from the petitioner's retirement benefits. The above directions shall be complied with by the respondents within a period of ten weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

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To:

- 1.The Secretary
Government of Tamil Nadu
Adi Dravidar & Tribal Welfare Department
Fort St.George, Chennai - 9.

2.The Director of Adi Dravidar & Tribal Welfare
Chepauk, Chennai - 5.

3.The District Adi Dravidar and Tribal Welfare Officer
Cuddalore District, Cuddalore.

4.The District Collector
Cuddalore District, Cuddalore.

5.The Accountant General
Teynampet, Chennai - 18.

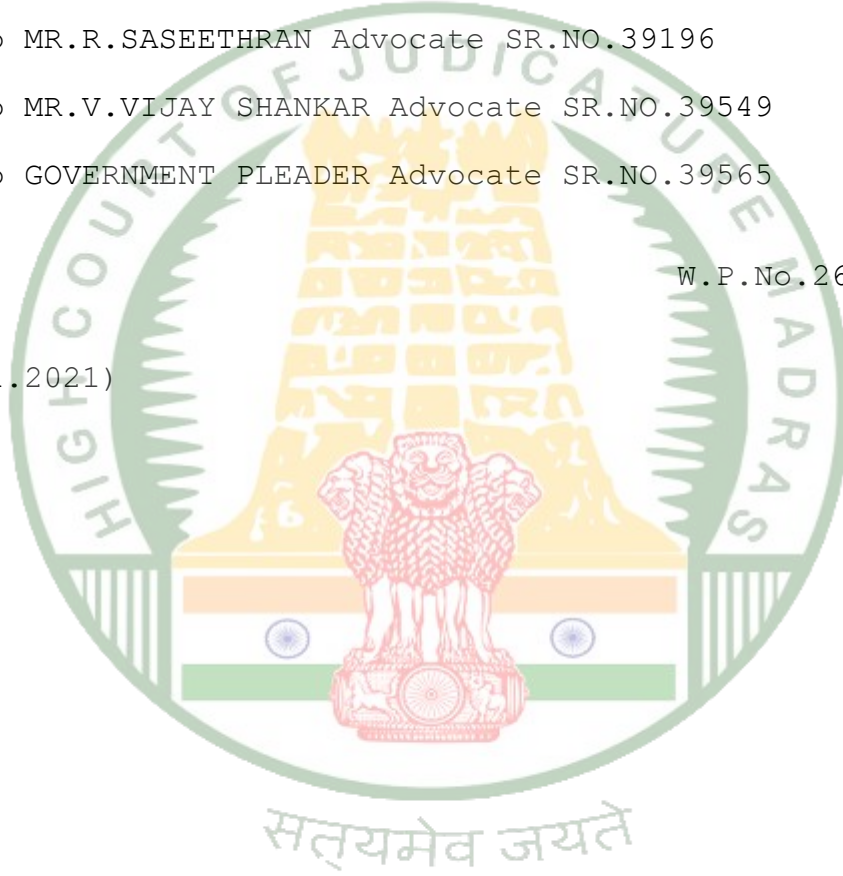
+1 C.C. to MR.R.SASEETHRAN Advocate SR.NO.39196

+1 C.C. to MR.V.VIJAY SHANKAR Advocate SR.NO.39549

+1 C.C. to GOVERNMENT PLEADER Advocate SR.NO.39565

W.P.No.26108 of 2007

AJB (CO)
UMY (19.01.2021)



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