

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32512 of 2007

A.Kothandapani

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep.by the Secretary to the 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 Welfare Officer,
Cuddalore District, Cuddalore.
4. The Headmaster,
Govt.Adi Dravidar Welfare Higher
Secondary School, Semakottai,
Panruti Taluk, Cuddalore District.
5. The Accountant General,
Teynampet, Chennai -18.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus to call for the records of the third, fourth and fifth respondents respectively in relation to the proceedings issued in Na.Ka.No.7/73438/2000 dated 12.4.2001, Na.Ka.No.25/A1/01-1 dated 28.4.2003 and AG(A&E)/PENSION PO9/3/K118-1386/RTD/2004-2005/10093 dated 31.01.2005 and quash the same and issue a consequential direction to the respondents to restore the pay of the petitioner at Rs.1820/- in the scale of pay of Rs.1640-2900 with effect from 01.07.1988 and fix the petitioner's last drawn pay on said basis on 30.6.2004 and fix the pension and arrears of pension and grant the same and to refund the sum of Rs.84,804/-.

For Petitioner : No representation
For Respondent : Mr.P.Chinnadurai
Additional Government Pleader
for R1 to R3
No representation for R4 & R5

O R D E R

The prayer sought for in this writ petition is for a issuance of writ of certiorarified mandamus to quash the proceedings of the respondents 3, 4 and 5 dated 12.4.2001, 28.4.2003 and 31.01.2005, respectively and for consequential relief.

2. There is no representation for the petitioner and the respondents 4 and 5.

3. Heard the learned Additional Government Pleader for the respondents 1 to 3 and perused the materials available on record.

4.The learned Additional Government Pleader for the respondents 1 to 3 submitted that while considering the similar issue, this Court allowed the writ petition in W.P.No.20952 of 2007 and the judgment would apply to this case also. The learned Additional Government Pleader further submitted that the Department has not preferred any appeal against the said order.

5. In W.P.No.20952 of 2007, this Court held as follows :

"...15.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. No costs.
Consequently, connected miscellaneous petition is closed.''

6. In the light of the above submissions made by the learned Additional Government Pleader, this Court is of the considered opinion that the order passed in the above writ petition is squarely apply to the facts of the present case. Accordingly, this writ petition is allowed. However there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
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 Welfare Officer,
Cuddalore District, Cuddalore.
4. The Headmaster,
Govt. Adi Dravidar Welfare Higher
Secondary School, Semakottai,
Panruti Taluk, Cuddalore District.
5. The Accountant General,
Teynampet, Chennai -18.

+1cc to R. Saseetharan, Advocate, SR39971

+1cc to The Government Pleader, SR40394

W.P.No.32512 of 2007

CO (UM)
BDL/19/01/2021