

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.8109 of 2010

G.Gnanaprakasam

... Petitioner

Vs.

1. The Additional Sub Treasury Officer  
Sub Treasury Office  
Thiruvallur 602 001
- 2 The Assistant Elementary Education Officer  
Kadambathur Range  
Thiruvallur District-631 203 ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1<sup>st</sup> respondent, The Additional Sub Treasury Officer, Sub Treasury Office, Thiruvallur-602 001 dated 20.01.2010 and quash the same and consequentially direct the respondents to pay the arrears of revised pension to the petitioner.

For Petitioners : Mr.A.R.Nixon  
For Respondents : Mr.P.Chinnadurai, AGP for R1  
Mr.P.Raja, Govt.Advocate for R2

O R D E R

Petitioner retired as Elementary School Head Master from 30.09.2005. He is entitled to Selection grade and Special grade pay as per G.O.Ms.No.207, School Education (G2) Department dated 30.09.2008. The 2<sup>nd</sup> respondent submitted the pension proposals of the petitioner to the 1<sup>st</sup> respondent as approved by the Accountant General. However, the 1<sup>st</sup> respondent has returned the papers with a direction directing the 2<sup>nd</sup> respondent to enclose G.O.Ms.Nos..207, 185 and 160 and further stated that the pension will be fixed as per G.O.Ms.207. Aggrieved over the same, petitioner is before this Court.

2. From a reading of the impugned order, it is seen that it is only a return made by the 1<sup>st</sup> respondent for certain

compliances by the 2<sup>nd</sup> respondent. This communication dated 20.01.2010 does not decline or reject any request made by the petitioner. It is only a clerical error sought to be rectified. The communication between the 1<sup>st</sup> and 2<sup>nd</sup> respondent came to be challenged by the petitioner unnecessarily. In spite of the writ petition, nothing prevented the 2<sup>nd</sup> respondent to comply with the return. Unnecessarily, the matter has been delayed for a period of 10 years.

3. In the considered opinion of the Court, petitioner has no grievances in so far as pay fixation done by the Accountant General. His claim is that he shall be paid his pension and arrears in the revised scale of pay as per G.O.Ms.No.207. The 1<sup>st</sup> respondent also directed the 2<sup>nd</sup> respondent to enclose relevant government orders and observed the petitioner will be paid as per the revised scale of pay given as per G.O.Ms.No.207. In that event no one can have any grievance. Therefore, there is no reason to set aside the order impugned in this writ petition. However considering the facts and circumstances a direction is given to the 2<sup>nd</sup> respondent to re-submit the pension proposal of the petitioner along with relevant government orders as required by the 1<sup>st</sup> respondent and the pension papers of the petitioner shall be processed within a period of eight weeks from the date of receipt of a copy of this order.

4. Writ petition is disposed of in the above terms. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpr

To

1. The Additional Sub Treasury Officer  
Sub Treasury Office  
Thiruvallur 602 001

2. The Assistant Elementary Education Officer  
Kadambathur Range  
Thiruvallur District-631 203

+1 cc to Mr.A.R.Nixon, Advocate Sr.No. 15983  
+1 cc to The Government Pleader, Sr.No. 16737  
+1 cc to The Government Pleader, Sr.No. 16698

W.P.No.8109 of 2010

NRL(CO)  
RMP(16/07/2020)