

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.8100 of 2013

G.R.Sundar

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary,
Highways Department,
Fort St. George,
Chennai - 600 009.

2. The Director General (Highways),
Highways Department,
PWD Buildings,
Chepauk, Chennai - 5.

3. The Superintending Engineer,
Projects Circle,
Thanjavur.

4. The Divisional Engineer (Highways),
Project Division, Trichy - 1,

5. The Accountant General (A &E),
Tamil Nadu,
Chennai - 18.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to revise the pension and other retiral benefits and pay to the petitioner the amount of arrears due to revision of pay, pension and other retiral benefits pursuant to the elevation of the

petitioner to selection Grade in the category of Assistant Divisional Engineer in the proceedings issued by the second respondent on 11.11.2010 as per the orders of the Hon'ble Court dated 17.11.2009 in W.P. No.16319 of 2009 along with appropriate interest and compensation.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.S.Thangavel,
Spl. Govt. Pleader for R1 to R4
M/s.Hema Muralikrishnan for R5

ORDER

According to the Petitioner, he joined duty in the Tamil Nadu Highways Department as an Assistant Engineer and retired as Divisional Engineer on 31.07.2008. The grievance of the Petitioner is that, he has not been paid the arrears of pay and pension pursuant to his elevation to Selection Grade in the category of Assistant Divisional Engineer vide the proceedings dated 11.11.2010 issued by the 2nd Respondent as per the order dated 17.11.2009 passed by this Court in W.P. No.16319 of 2009 along with appropriate interest and compensation.

2. Hence, the Petitioner has come up with this Writ Petition seeking to revise the pension and other retiral benefits and pay him the amount of arrears due to revision of pay, pension and other retiral benefits pursuant to his elevation to Selection Grade in the category of Assistant Divisional Engineer in the proceedings issued by the second Respondent on 11.11.2010 as per the order

dated 17.11.2009 passed by this Court in W.P. No.16319 of 2009, along with appropriate interest and compensation.

3. Learned counsel for the Petitioner submitted that, though Selection Grade was awarded to the Petitioner on 11.11.2010, arrears were not granted from 1997 onwards, as, according to the Petitioner, he is entitled to Selection Grade from 1997 itself. He contended that, the delay in awarding Selection Grade to the Petitioner is absolutely on the part of the Respondents and it is for the Respondents to work out the payment of Selection Grade arrears and interest on the same, and pay the amount to the Petitioner.

4. Learned Special Government Pleader appearing for the Respondents submitted that, though the Petitioner claims payment of Selection Grade arrears, after filing of the present Writ Petition, arrears of pension and other benefits were granted to the Petitioner and that, if there is any provision available for payment of arrears for selection grade, the Petitioner may be permitted to make a representation to the Respondents and the same will be considered in accordance with law.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Though the Petitioner claims that, arrears of Selection Grade were not paid to him at the earliest point of time, it is represented by the learned Special Government Pleader that, after filing of the present Writ Petition, pension and

other monetary benefits were settled to the Petitioner. Having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the Petitioner to make a representation to the Respondents, in respect of his grievance, within a period of **two weeks from the date of receipt of a copy of this order**. On receipt of such representation, the Respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of **twelve weeks**.

The Writ Petition is disposed of with the above direction. No costs.

30.11.2020

Index : Yes / No
Speaking Order : Yes / No

(vsi2/aeb)



WEB COPY

To

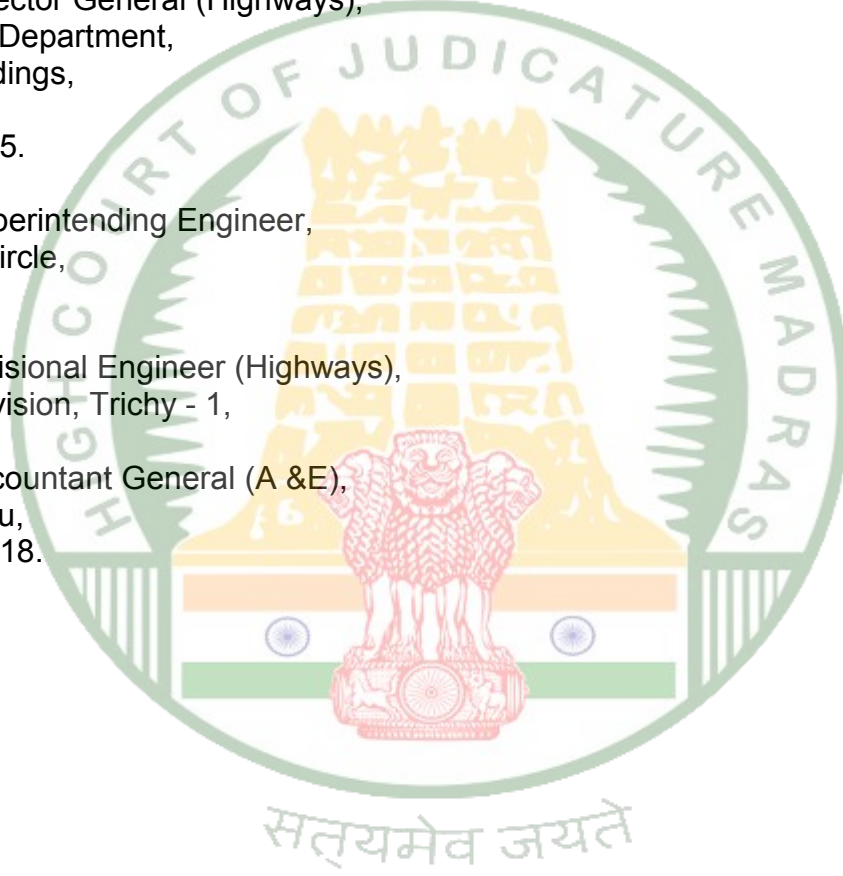
1. The Secretary,
Government of Tamil Nadu
Highways Department,
Fort St. George,
Chennai - 600 009.

2. The Director General (Highways),
Highways Department,
PWD Buildings,
Chepauk,
Chennai - 5.

3. The Superintending Engineer,
Projects Circle,
Thanjavur.

4. The Divisional Engineer (Highways),
Project Division, Trichy - 1,

5. The Accountant General (A &E),
Tamil Nadu,
Chennai - 18.



WEB COPY

M.DHANDAPANI, J.

vsi2



W.P.No.8100 of 2013

WEB COPY

30.11.2020