

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2489 of 2014

N.Subbarayan

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Commissioner,
Adi-Dravidar Welfare Department,
Chepauk,
Chennai – 600 005.

2.The District Adi-Dravidar and
Tribal Welfare Officer,
Vellore District,
Vellore.

3.Headmaster,
Government Adi-Dravidar Welfare
Boys Higher Secondary School,
Chevvapet,
Thiruvallur District,
PIN – 602 025.

4.Union of India,
Rep. by the Accountant General,
Accounts & Entitlements,
Tamil Nadu,
Anna Salai,
Chennai – 600 018.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent pertaining to his order which is made in Pen 9/V/20906841/Rev/13-14/ADK dated 01.07.2013 and quash the same, consequent to direct the fourth respondent to approve and sanction the revised pension proposal sent by the third respondent vide letter Na.Ka.No.28/2013 dated 30.03.2013 and thereby to revise and re-fix the pensionary benefits of the petitioner accordingly and to pay the arrears of difference of pension to the petitioner.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.S.Thangavel for R1 and R2
Special Government Pleader
Mr.S.Suresh Kumar for R3
Government Advocate
Mrs.Hema Murali Krishnan for R4

सत्यमेव जयते

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the fourth respondent pertaining to his order which is made in Pen 9/V/20906841/Rev/13-14/ADK dated 01.07.2013 and to quash the same,

consequently to direct the fourth respondent to approve and sanction the revised pension proposal sent by the third respondent vide letter Na.Ka.No.28/2013 dated 30.03.2013 and thereby to revise and re-fix the pensionary benefits of the petitioner accordingly and to pay the arrears of difference of pension to the petitioner.

2.The case of the petitioner is that initially the petitioner joined the services of respondents 1 to 3 on 03.08.1970 as Elementary School Teacher. The petitioner was posted as Secondary Grade Teacher (Tamil) from 01.06.1971 and was regularly appointed on 18.03.1972. After several promotions, the petitioner was promoted as P.G.Assistant (Tamil) and he attained the age of superannuation on 30.06.2005. However, considering his service, he was given extension of service and was permitted to work from 01.07.2005 to 31.05.2006. During his service, the petitioner was given selection grade and special grade.

WEB COPY

3.It is the further case of the petitioner that a sum of Rs.1,68,909/- was recovered by the third respondent without any notice to the petitioner and aggrieved by the same, he filed

W.P.No.27794 of 2010 before this Court and the said writ petition was allowed by this Court on 22.06.2012. Pursuant to the said order, the recovered amount was refunded to the petitioner. Thereafter, the petitioner made representation to re-fix and revise his pension by taking into account the last pay drawn by him. The third respondent sent revised pension proposal to the fourth respondent, however, the said proposal was turned down by the fourth respondent stating that the proposal was forwarded without issuing notice to the petitioner. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the third respondent sent revised pension proposal, taking into account the last pay drawn by the petitioner, to the fourth respondent, however, the said proposal was turned down by the fourth respondent stating that the proposal was forwarded without issuing notice to the petitioner. Hence, this Court may issue direction to the respondents 2 and 3 to give an opportunity of hearing to the petitioner and then forward a revised pension proposal to the fourth respondent so as to enable the fourth respondent to pass appropriate orders in terms of the relevant Rules for awarding Special Grade. He would further submit that since it is alleged that Special Grade was wrongly awarded

to the petitioner on 18.03.1992 instead of 10.08.2002, this Court may permit the petitioner to place copy of the relevant Government Order for awarding Special Grade.

5.The learned Special Government Pleader appearing for respondents 1 and 2, the learned Government Advocate appearing for the third respondent and the learned counsel appearing for the fourth respondent has no serious objection for this Court issuing such a direction.

6.In view of the above, this Court directs the respondents 2 and 3 to give an opportunity of hearing to the petitioner and then forward a revised pension proposal to the fourth respondent. The petitioner is permitted to give copy of the relevant Government Order for awarding Special Grade at the time of hearing. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. On receipt of the revised pension proposal, the fourth respondent shall consider the same and shall pass appropriate orders in terms of the relevant Rules for awarding Special Grade,

within a period of twelve weeks from the date of receipt of the revised pension proposal.

7.The writ petition is accordingly disposed of. No costs.

15.12.2020

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Commissioner,
Adi-Dravidar Welfare Department,
Chepauk,
Chennai – 600 005.

2.The District Adi-Dravidar and
Tribal Welfare Officer,
Vellore District,
Vellore.

3.Headmaster,
Government Adi-Dravidar Welfare
Boys Higher Secondary School,
Chevvapet,
Thiruvallur District,
PIN – 602 025.

4.Union of India,
Rep. by the Accountant General,
Accounts & Entitlements,
Tamil Nadu,
Anna Salai,
Chennai – 600 018.

6/7

W.P.No.2489 of 2014

M.DHANDAPANI,J.
pri



W.P.No.2489 of 2014

WEB COPY

15.12.2020