



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.14803 of 2014

O.S.Rajendran

... Petitioner

Vs.

1.The Principal Accountant -General,
(Accounts & Entitlements)
Tamil Nadu, Chennai-600 018.

2.The District Forest Officer,
Kodaikanal Division,
Kodaikanal,
Dindigul District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to refix the pay of the petitioner as on 01.01.2006 in terms of Tamil Nadu Revised Scales of Pay Rules, 2009 and as per G.O.Ms.No.237, Finance (PC) Department, dated 22.07.2013 and send revised pension proposals on that basis to the first respondent for authorizing revised and increased pensionary benefits from 01.02.2012 and to direct the respondents to grant all consequential benefits to the petitioner along with interest on the delayed payment.

For Petitioner : Mr.M.Ravi

For R1 : Mr.P.Gunasekaran

For R2 : Mr.P.Mahendran
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the second respondent to refix the pay of the petitioner as on 01.01.2006 in terms of Tamil Nadu Revised Scales of Pay Rules 2009 and as per G.O.Ms.No.237, Finance (PC) Department dated 22.07.2013 and send revised pension proposals on that basis to the first respondent for authorizing revised and increased pensionary



benefits with effect from 01.02.2012.

2.The petitioner joined as Forest Watcher on 09.07.1978 and retired from service as Forest Range Officer on 31.01.2012 on attaining the age of superannuation. His grievance is that the pension was not properly fixed as per the Government Order issued in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009. The illustrations provided in the said G.O. narrated by the petitioner in his affidavit.

3.The learned counsel appearing on behalf of the respondents solicited the attention of this Court regarding the manner in which, the fixation was done in the case of the petitioner. It is contended that the grade pay was fixed twice erroneously and it is resulted in anomaly and subsequently, the said mistake was corrected and paid the correct fixation and now the petitioner is receiving pension. In this regard, the counter categorically states as follows:-

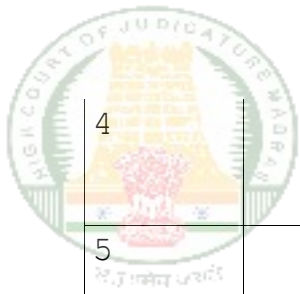
"2.It is respectfully submitted that the pay fixation of Thiru.O.S.Rajendran, Forest Range Officer was fixed on 20.07.2009 and it was fixed based on the 6th Pay Commission ordered in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009. Subsequently, due to clarification and revision of pay on several dates by the Government Orders, the pay has been revised as detailed below. The comparison statements fixed by the Department and the fixation mentioned by the petitioner in the affidavit are as given below.

Forester Scale of Pay : Rs.9300-34800+Grade Pay Rs.4400

Forest Range Officer Scale of Pay: Rs.9300-34800+Grade Pay Rs.4900

Grade Pay was increased to Rs.5100/- with effect from 1.04.2013.

SI.No.	Period	Pay + Grade Pay	Increment	Fixation of pay done by the department after the each increment, selection grade and promotion.	Fixation mentioned by the petitioner in the affidavit including the grade pay.
1	1.01.06	10420+4400	450	1.07.06-10870+4400	1.07.06-15270
2		10870+4400	460	1.07.07-11330+4400	1.07.07-15730
3		11330+4400	480	1.07.08-11810+4400	1.07.06-16210 (1.07.2008)



4		11810+4400	490	1.07.09-12300+4400	1.7.10-16700 (1.07.2009)
5		12300+4400	500	1.7.10-12800+4400	1.7.10-17730
6		12800+4400	520+540	15.7.10-13860+4400 Due to appointment in Selection Grade	1.07.10-18270
7		13860+4400	550	18.12.10-14410+4900 Due to Promotion as Forest Range Officer	18.12.10-19520
8		14410+4900	580	1.10.11-14990+4900	1.10.11-20110
9		14990+4900		31.1.12-14990+4900 On the date of retirement	31.01.12-25210

4.It is respectfully submitted that the reasons for the difference between the figures arrived by the department and by the petitioner are detailed below.

SI.No.4-No difference in pay, but the petitioner has wrongly mentioned the date as 1.7.2006 instead of 1.7.2008 and 1.7.2006 instead of 1.7.2009.

SI.Nos.5 & 6 - Instead of sanctioning the regular increment on 1.7.2010, the petitioner was wrongly calculated the increment for selection grade post which is due on 15.07.2010 with 3% + 3% increment. Then, he has arrived the annual increment as on 1.7.2010 including fixing the pay in the selection grade post also. Petitioner has also wrongly mentioned the date of increment and selection grade as on 01.07.2010 in the affidavit.

SI.Nos.7,8&9 - The wrong fixation made in the SI.Nos.5 & 6 as adding the grade pay difference as Rs.700 wrongly (instead of Rs.500) in the fixation and again adding grade pay as Rs.5100/-. This has boosted the actual pay + grade pay ie., Rs.25210 instead of Rs.19890. This is mainly due to wrong calculation figures made by the petitioner in the affidavit."

5.In view of the fact that it is only a correction made by the authorities as the grade pay was fixed twice erroneously, there is no reason whatsoever to once again interfere with the fixation



already paid. Thus, the pension of the petitioner was fixed in accordance with the Government Order in force and accordingly, the writ petition is devoid of merits and it stands dismissed. No costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Forest Officer,
Kodaikanal Division,
Kodaikanal,Dindigul District.
- 2.The Principal Accountant -General,
(Accounts & Entitlements)
Tamil Nadu, Chennai-600 018.

+1 CC to M/s.GP (SR-22692[F] dated 24/11/2020)

W.P. (MD) No.14803 of 2014
23.11.2020

MR (CO)
AP (04/12/2020) 4P 4C