



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.695 of 2014

and

M.P. (MD)No.1 of 2014 and

W.M.P. (MD)No.17785 of 2019

Dr.S.Yesu Dhason

... Petitioner

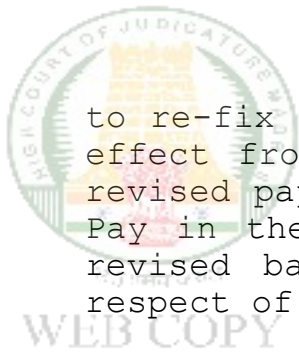
Vs.

- 1.The Union of India,
represented by its Secretary,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhavan,
New Delhi-110 001.
- 2.The Union of India,
represented by its Secretary,
Department of Pension & Pensioners' Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110 003.
- 3.The University Grants Commission(UGC),
represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.
- 4.The State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.
- 5.The Accountant General of Tamil Nadu,
Office of the Accountant General,
No.26, Anna Salai, Chennai.
- 6.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 7.The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 020.
- 8.The Secretary,
NMSS Vellaichamy Nadar College,
Nagamalai, Madurai-625 019.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents herein

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to re-fix and disburse forthwith the pension to the petitioner with effect from 01.01.2006 in the cadre of Principal (Grade-I) in the revised pay scale corresponding to the 50% of the sum of Minimum of Pay in the Pay Band and Grade Pay thereon co-related to the pre-revised basic pay of Rs.20,900/- as per the Fitment Table 5 in respect of S-29 issued by the first respondent.

For Petitioner : Mr.P.Muthuvel for Mr.S.Xavier Rajini
For Respondents : Mr.V.Anand
Government Advocate
for R.4, R.6 and R.7
: Mr.B.Vijay Karthikeyan
for R.3
: Mr.P.Gunasekaran
for R.5
: Mr.B.Saravanan
for R.8
: No Appearance
for R.1 and R.2

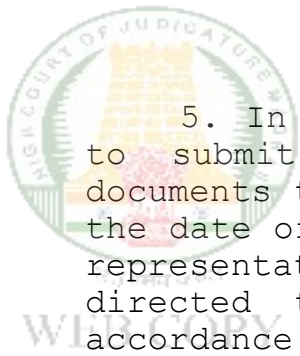
ORDER

The grievance of the writ petitioner is that the revision of pension granted pursuant to the recommendations of the Pay Commission with effect from 01.01.2006 has not been extended to the petitioner.

2. Learned Counsel appearing on behalf of the writ petitioner made a submission that the Honourable High Court of Punjab and Haryana at Chandigarh passed an order dated 21.12.2012 in CWP No.19641 of 2009 by granting the benefit of revision of scale of pay to the retirees who retired prior to 01.01.2006.

3. Citing the said judgment, learned Counsel appearing on behalf of the writ petitioner reiterated that the petitioner is also entitled for revision of scale of pay, as the principles laid down in the said judgment would be applicable to the petitioner also.

4. As far as the State of Tamil Nadu is concerned, the revision of scale of pay was given effect to from 01.01.2006. The writ petitioner admittedly retired from service on 30.09.2005. He filed the writ petition after a lapse of about nine years from the date of retirement and eight years from the date of implementation of Pay Commission with effect from 01.01.2006. Thus the writ petition itself is liable to be dismissed on the ground of laches. However, pension being a continuity cause and the petitioner claims that the benefit is extended to the other similarly placed persons, the respondents are bound to consider the case of the writ petitioner with reference to the facts, circumstances as well as the application of the judgments and take a decision in the case of the writ petitioner.



5. In this view of the matter, the writ petitioner is directed to submit a detailed representation along with all relevant documents to the third respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of any such representation from the writ petitioner, the third respondent is directed to consider the same on merits and pass orders in accordance with law within a period of four months from the date of receipt of a copy of the representation from the writ petitioner.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Union of India,
represented by its Secretary,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhavan,
New Delhi-110 001.
- 2.The Union of India,
represented by its Secretary,
Department of Pension & Pensioners' Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110 003.
- 3.The University Grants Commission(UGC),
represented by its Secretary,
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- 4.The State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.
- 5.The Accountant General of Tamil Nadu,
Office of the Accountant General,
No.26, Anna Salai, Chennai.



6.The Director of Collegiate Education,
College Road, Chennai-600 006.

7.The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 020.

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+1 CC to SPL GP (SR-21013[F] dated 03/11/2020)

+1 CC to Mr.B.ARAVANAN, Advocate (SR-20892[F] dated 03/11/2020)

+1 CC to Mr.B.VIJAYKARTHIKEYAN, Advocate (SR-20957[F] dated
03/11/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-20924[F]dated
03/11/2020)

W.P. (MD) No.695 of 2014
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VB (09.11.2020) 4P 12C