

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2525 of 2021

T.R.Venkatalakshmanan

.. Petitioner

Vs.

1.The Commissioner

Treasury & Accounts Department
Amma Valagam, Anna Salai
Nandanam, Chennai - 600 035

2.The Treasury Officer

Krishnagiri District
Hosur - 635 109

3.The Assistant Treasury Officer

Sub-Treasury, Hosur
Krishnagiri District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to dispose the representation given by the petitioner dated 08.09.2020 to the first respondent and direct the respondents to sanction of his VII Pay Commission arrears amount from October 2017 to till date to be paid to the petitioner.

For Petitioner : Mr.A.Vikash
for Mr.P.Subba Reddy

For R1 and R2 : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

The petitioner has come forward with this writ petition for a direction to the first respondent to dispose of his representation dated 08.09.2020 and a further direction to the respondents to sanction him VII Pay Commission arrears amount from October 2017 to till date.

2. The case of the petitioner is that he is a senior citizen aged 86 years. He had worked in Panchayat Union Middle School, Sanamavu and subsequently transferred to P.U. Middle School as Head Master and thereafter, he was getting the pay applicable to Headmaster. The said Panchayat Union Middle

School, later on, was upgraded as Government High School and renamed as Rajaji Memorial Government High School on 24.07.1981 and he was also absorbed into the same school on the same day and he worked there as Additional Headmaster as Special Grade Secondary Grade Assistant and was granted Middle School Head Master pay till his retirement on 30.11.1992. After his retirement, his pension was fixed at Rs.1,347/- per month. The same was periodically enhanced and his last drawn pension was Rs.9,923/-. It is his further contention that an audit was conducted in the Sub-Treasury, Hosur in the year 2016 and that a sum of Rs.1,05,769/- was excessively paid to the petitioner as pension. To his shock and surprise, he received a notice in Na. Ka. No.2062/A1/2016 dated 12.08.2016, wherein it has been intimated by the 3rd respondent that the amount of Rs.1,50,769/- has been excessively paid to him in his pension account and that the same has to be recovered by the Sub-Treasury Officer, Hosur. The said officer had already deducted a sum of Rs.13,792/- in the pension for the month of August, 2016. Hence he had filed a writ petition to quash the said proceedings in W.P. No.41753 of 2016 and based on the assurance given by the third respondent that he will release the entire amount, which was pending in respect of VII Pay Commission arrears, the petitioner had withdrawn the writ petition on 21.10.2019.

3. It is his further contention that he had also sent a copy of the order dated 21.10.2019 withdrawing the writ petition to the respondents, to sanction his VII Pay Commission arrears from October 2017. In that regard, he had also sent a representation on 04.11.2019, to sanction VII Pay Commission arrears. The third respondent had given an oral undertaking on 10.03.2020 that he will release VII Pay commission arrears.

4. On receipt of communication from respondents 2 and 3, the petitioner had sent a representation again to the first respondent on 08.09.2020, to release the entire VII Pay Commission arrears and to send an intimation/clearance letter to the respondents 2 and 3 in that regard. As he had been made to run from pillar to post at this old age, he has filed the instant writ petition for the relief, as stated supra.

5. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

6. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the representation of the petitioner dated 08.09.2020, by giving an opportunity of hearing to him, and pass appropriate order on merits, within a period of 60 days from the date of receipt of a copy of this order.

7. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of his representation dated 08.09.2020 and this order, to the first respondent forthwith. The first respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authority concerned fail to send communication to the petitioner, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioner, at a later point of time, will not take a plea that he is not aware of the order.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Commissioner
Treasury & Accounts Department
Amma Valagam, Anna Salai
Nandanam, Chennai - 600 035

2.The Treasury Officer
Krishnagiri District
Hosur - 635 109

3.The Assistant Treasury Officer
Sub-Treasury, Hosur
Krishnagiri District

+2cc to Mr.Subba Reddy, Advocate, S.R.No. 7547

W.P.No.2525 of 2021

PL(CO)
GN(17/03/2021)