

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.22623 of 2011

D.Boopalan ... Petitioner

-Vs-

- 1.The District Collector
Thiruallur District, Thiruvallur.
- 2.The District Elementary Educational Officer
Thiruvallur.
- 3.The Additional Assistant Elementary Educational
Officer, Minjur - 601 203
Thiruvallur District.
- 4.The Accountant General (A&E)
Tamil Nadu, Chennai 600 018. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents 2 and 3 herein to consider the representation of the Petitioner dated 26.06.2010 to the District Collector Thiruvallur District regarding disbursement of arrears of pay for the period from 01.01.1996 to 31.05.1997 consequent on refixation of pay to the petitioner and disburse the amount of arrears with interest as per calculation sheets attached thereto within a time frame.

For Petitioner : Mr.S.Mahaveer Shivaji

For Respondents: Mrs.K.Bhuvaneswari,
Additional Government Pleader - for R1
Mr.S.Suresh Kumar
Government Advocate for R2 & 3

O R D E R

The prayer sought for herein is to direct the Respondents 2 and 3 herein to consider the representation of the Petitioner dated 26.06.2010 to the District Collector, Thiruvallur District regarding disbursement of arrears of pay for the period from 01.01.1996 to 31.05.1997 consequent on refixation of pay to the petitioner and disburse the amount of arrears with interest as per calculation sheets attached thereto within a time frame.

2. That the petitioner was working as Assistant Teacher in a Panchayat Union School and reached superannuation on 31.12.1996 and thereafter on re-employment till 31.05.1997 ie., till the end of the academic year and on that date, he retired from service.

3. In this context, according to the petitioner, his retiral benefits including the pensionary benefits were calculated on the basis of 4th Pay Commission's pay scale and were disbursed accordingly. However, it is the case of the petitioner that since the 5th Pay Commission was implemented from 01.01.1996, his pay in the Selection Grade Secondary Grade Teacher's post as on 01.01.1996 was fixed at Rs.5,750/-, based on which the revised pay ie., the difference of arrears of pay as well as revised arrears of pension should have been calculated and paid. However, the same was not paid and therefore, in this regard, the petitioner had given a representation on 26.06.2010 to the first respondent. Since the same was not considered, the petitioner has filed the present writ petition.

4. Heard the learned counsel for the petitioner, who would submit that, the request of the petitioner, though was made on 26.06.2010, is still not considered and in the meanwhile, during the pendency of the writ petition, the petitioner has died and therefore a direction can be given to the respondents to consider the representation of the petitioner dated 26.06.2010 and if they decide in favour of the petitioner, accordingly the revised financial benefits can be directed to be disbursed to the legal heirs of the petitioner.

5. Mr.S.Suresh Kumar, learned Government Advocate would submit that, though the petitioner is no more, since it is the retiral benefits, for which the legal heirs are entitled to, if really the petitioner is entitled to get revised benefits, as claimed through his representation dated 26.06.2010, the said representation would be considered on merits and in accordance with law and necessary orders would be passed within a time frame to be stipulated by this Court.

6. I have heard the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondents and have perused the materials placed on record.

7. In view of the submissions made by the learned counsel for the parties and on taking into account the factual matrix of the case, this Court is inclined to dispose of this writ petition by passing the following order.

8. That the respondents, especially the respondents 2,3 and 4 are hereby directed to consider the representation of

the petitioner dated 26.06.2010 and pass orders thereon on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. If ultimately the respondents decide to revise the scale of pay on the basis of the 5th Pay Commission, which was implemented from 01.01.1996, accordingly the revised pay and revised pension for which the petitioner was eligible, shall be calculated and disbursed to the legal heirs of the petitioner and in this regard, after getting the necessary proof with regard to the claim of the legal heirs, the needful as indicated above, shall be undertaken by the aforesaid respondents.

9. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The District Collector,
Thiruvallur District, Thiruvallur.
- 2.The District Elementary Educational Officer,
Thiruvallur.
- 3.The Additional Assistant Elementary
Educational Officer, Minjur - 601 203
Thiruvallur District.
- 4.The Accountant General (A&E),
Tamil Nadu, Chennai 600 018.

+1cc to the Government Pleader SR.8472, 8479

W.P.No.22623 of 2011

PP(CO)
CB(05/03/2021)