

+IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19085 of 2015 & M.P.No.1 of 2015

1. A.Narayanasamy [deceased]

3. N.Kalarani

3. Sujatha, W/o.Sureshkumar

4. A.N.Pravin Raj

[P2 to P4 are substituted as LRs of the deceased first petitioner

vide Court Order dated 02/11/2018 made in WMP 4771 of 2016

in W.P.No.19085 by SMSJ] ... Petitioners

Vs.

1.The Director of Technical Education,
Government of Tamil Nadu, Guindy, Chennai.

2.The Chairman,
The Governing Council,
PSG College of Technology and Polytechnic,
Peelamedu, Coimbatore.

3.The Accountant General,
Nandanam, Chennai - 35. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to fix the pension amount by taking into consideration of the V Pay Commission revised salary and treating the period from 22.07.1994 to 09.03.1998 as service period as per this Court Order made in W.P.No.7792 of 1998, dated 09.06.2008 consequently disburse the arrears of the pension benefits along with all other attendant benefits and difference amount of the gratuity together with interest to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Karthikai Balan

Government Advocate - R1

Mr.Jenasenan - R2

Ms.S.Hema Murali Krishnan - R3

ORDER

This writ petition has been filed to direct the respondents to fix the pension of the first petitioner, on the basis of the revised salary and treating the period from 22.07.1994 to 09.03.1998 as service period as per the V pay Commission recommendations and consequently disburse the arrears of the pension benefits and the difference amount of gratuity together with interest to the petitioners.

2. According to the petitioners, the first petitioner was working as Demonstrator in Chemistry Department in the second respondent college on 19.07.1965. While so, due to ill health and family circumstances, he could not attend the college from 22.07.1994 onwards, on account of which, he was dismissed from service. Subsequently, as per the order of this Court in W.P.No.7792 of 1998, the dismissal order was set aside and the punishment imposed on the petitioner was modified into one that of compulsory retirement and his period of absence was ordered to be treated as authorized EOL. However, his pension was not revised based on the revised pay as per the V Pay Commission recommendations. Hence, the petitioner made a representation dated 14.03.2010 to the respondents to revise his pension and settle the same with consequential benefits. Finding no response on the said representation, the petitioner has come up with this writ petition for the aforesaid relief.

3. However, today when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 14.03.2010 is directed to be considered by the respondents, for which, the learned counsel appearing for the respondents has no serious objection.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 14.03.2010 submitted by the first petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vrc

To

1.The Director of Technical Education,
Government of Tamil Nadu, Guindy, Chennai.

2.The Chairman,
The Governing Council,
PSG College of Technology and Polytechnic,
Peelamedu, Coimbatore.

3.The Accountant General,
Nandanam, Chennai - 35.

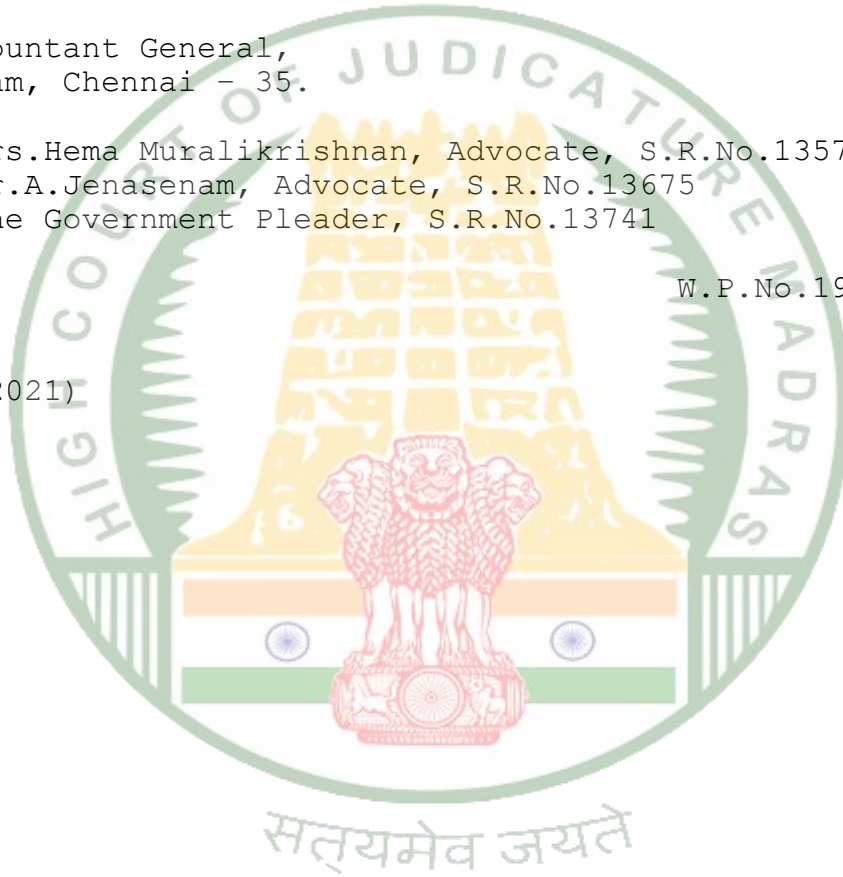
+1cc to Mrs.Hema Muralikrishnan, Advocate, S.R.No.13572

+2cc to Mr.A.Jenasenam, Advocate, S.R.No.13675

+1cc to the Government Pleader, S.R.No.13741

W.P.No.19085 of 2015

PVS (CO)
CB(30/06/2021)



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