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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3971 of 2021
(Heard through VC)

T.Perumal

.. Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.
 2. The Director of Adi Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
 3. The District of Adi Dravidar and Tribal Welfare Officer,
Arakkonam,
Ranipet District.
 4. The Headmaster,
Government Adi Dravidar Girls Higher Secondary School,
Arakkonam 631 002,
Ranipet District.
 5. The Principal Accountant General (A & E),
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
- .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for granting revised pension and other pensionary benefits from the date of retirement on 28.02.2005 based on the revised scale of pay with reference to G.O.Ms.No.58 AD & TW (ADW-7) Department dated 24.07.2014 with all consequential and other attendant benefits, based on the representation dated 13.04.2018 submitted by the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents 1 to 3 : Mr.A.Arul Doss
Government Advocate



For Respondent-4

: Mr.P.Raja
Government Advocate

For Respondent-5

: Ms.S.Sangamithirai

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O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to pass orders for granting revised pension and other pensionary benefits from the date of retirement on 28.02.2005 based on the revised scale of pay with reference to G.O.Ms.No.58 AD & TW (ADW-7) Department dated 24.07.2014 with all consequential and other attendant benefits, based on the representation dated 13.04.2018 submitted by the petitioner, within a time frame to be fixed by this Court.

2. Mr.A.Arul Doss, learned Government Advocate takes notice on behalf of the respondent Nos.1 to 3. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondent No.4. Ms.S.Sangamithirai, learned counsel takes notice on behalf of the respondent No.5.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner he was initially appointed as Weaving Instructor and subsequently granted Selection Grade on 16.10.1985 and Special Grade on 16.10.1995. On 01.06.2001, he was promoted as PG Assistant and voluntarily retired from service on 28.02.2005. The Government issued orders in G.O.Ms.No.58 AD & TW Department dated 24.07.2014 extending the benefit of G.O.Ms.No.216 dated 22.03.1993 to Adi Dravidar Welfare Department as per which the Secondary Grade Teacher / Physical Education Teacher / Special Teacher, who reached Selection/Special Grade between 01.06.1988 and 31.12.1995 and retired from service, have been given the benefit of fixation of pay from the post of Primary School Head Master. Accordingly, the petitioner's pension was revised in the post of Primary School Head Master on 16.10.1995. In this regard, the fourth respondent has forwarded the proposal to the fifth respondent, who in turn has returned the proposal stating that the proposal is pending clarification with the Government. Therefore, the petitioner has submitted a representation dated 13.04.2018 to the first respondent seeking to pass appropriate orders for granting the revised pension from the date of retirement dated 28.02.2005 and the same has not been considered till date. Hence, this petition.

5. Considering the facts and circumstances of this case, if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the



representation of the petitioner dated 13.04.2018, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondents either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondents to pass orders on the representation based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 13.04.2018 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are 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 parties, at a later point of time, will not take a plea that he is not aware of the order.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.



2. The Director of Adi Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
3. The District of Adi Dravidar and Tribal Welfare Officer,
Arakkonam,
Ranipet District.
4. The Headmaster,
Government Adi Dravidar Girls Higher Secondary School,
Arakkonam 631 002,
Ranipet District.
5. The Principal Accountant General (A & E),
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.11381.

+1cc to the Government Pleader, S.R.No.11118 & 11163.

W.P.No.3971 of 2021

PL(CO)
CSR 31.03.2021