

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5823 of 2021

M.N.Rajalakshmi

...Petitioner

Vs.

1. The District Education Officer,
O/o.District Education Officer,
Virudhachalam, Cuddalore District - 600 001.
2. The Commissioner of School Education,
DPI Compound, Chennai - 600 006.
3. The Director of School Education,
DPI Compound, Chennai - 600 006.
4. The Sub Treasury Officer,
O/o. Sub-Treasury Officer,
Chinnasalem, Kallakurichi District.Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent for forward the proposal for revision of petitioner's pay in the pay scale of pay of Rs.9300-34800+ GP 4800 in terms of G.O.Ms.No.313, Finance Dept. dated 25.10.2017 and G.O.Ms.No.303, Finance dated 11.10.2017 and consequently direct the fourth respondent to process the same and fix petitioner's pension accordingly within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.A.Rajaperumal, AGP (R1-R3)
Mr.J.Ramesh, AGP - R4

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ORDER

This writ petition has been filed seeking a direction to the first respondent to forward the proposal for revision of petitioner's pay in terms of G.O.Ms.No.313, Finance Department dated 25.10.2017 and G.O.Ms.No.303, Finance Department dated 11.10.2017 and consequently direct the fourth respondent to process the same and fix the petitioner's pension accordingly within a time frame to be stipulated by this Court.

2. According to the petitioner, she joined as a Record Clerk on 05.10.1966 and after periodical promotions, she retired as Superintendent, on reaching the age of superannuation on 30.06.2001 and she was issued with Pension Payment Order (PPO) No.C.11557/Edg. It is the further case of the petitioner that as per G.O.Ms.No.303 Finance Department dated 11.10.2017 and G.O.Ms.No.313 Finance Department dated 25.10.2017, her pay has to be fixed in the pay scale of Rs.9300-34800+ GP 4800 and if her pay is fixed as such, she would be getting more pension and hence, she sent a letter dated 11.03.2020 to the first respondent for revision of pension as per the said Government Orders. However, the said representation was not considered and was rejected on 26.05.2020, directing the petitioner to approach the fourth respondent in this regard. Feeling aggrieved, she has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the inaction on the part of the first respondent with regard to the claim of the petitioner seeking revision of pay, is wholly unjustifiable and illegal, as the first respondent is the pay fixation authority and he should have forwarded the representation of the petitioner to the fourth respondent for taking necessary steps. Therefore, the learned counsel prayed for appropriate direction to the first respondent with respect to the claim of the petitioner.

4. Heard the learned Additional Government Pleader taking notice for the respondents 1 to 3 and the learned counsel for the fourth respondent and also perused the documents enclosed in the typed set of papers.

5. In the given facts and circumstances of the case, more particularly that at the time of retirement, the petitioner was working in the office of the first respondent as Superintendent and the first respondent is the pay fixation authority, and that, the petitioner already made a proposal, seeking revision of pay, this Court, without going into the merits of the case, directs the first respondent to forward the proposal for revision of pay of the petitioner to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. The fourth respondent, on receipt of the same, shall consider the same and pass appropriate Orders, on merits and in accordance with law, within a period of eight weeks thereafter.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The District Education Officer,
O/o. District Education Officer,
Virudhachalam, Cuddalore District - 600 001.
2. The Commissioner of School Education,
DPI Compound, Chennai - 600 006.
3. The Director of School Education,
DPI Compound, Chennai - 600 006.
4. The Sub Treasury Officer,
O/o. Sub-Treasury Officer,
Chinnasalem, Kallakurichi District.

+1 cc to M/s.K.M.Ramesh, Advocate Sr.No.15265
+1 cc to Government Pleader, Sr.No.15445

W.P.No.5823 of 2021

VSN II (CO)
KKV/15/06/2021

सत्यमेव जयते
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