



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.331 of 2016

M.Veeraiyan

... Petitioner

Vs.

The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.

... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 31.08.2015 praying for grant of 5% personal pay in the light of the Orders passed by the respondent in letter No.Thu.Pa.2/29759/2013 dated 10.11.2014.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.R.S.Selvam
Government Advocate

ORDER

This writ petition has been filed to direct the respondent to consider the representation made by the petitioner dated 31.08.2015 and grant 5% personal pay to him, in the light of the order passed by the respondent vide letter No.Thu.Pa.2/29759/2013 dated 10.11.2014.

2.It is the case of the petitioner that he was initially appointed as Fitter Helper on 01.03.1972 and was promoted to the post of Moulder on 01.10.1976 and thereafter, he voluntarily retired from service on 01.06.2000. According to the petitioner, while he was in service, he was granted 5% personal pay with effect from 01.09.1998 to June 2000. However, at the time of retirement, the said personal pay was cancelled and a sum of Rs.7,898/- was recovered from the petitioner and his pay was revised without taking into account the 5% personal pay, as a



result of which, his last drawn pay was reduced leading to reduction in the pension amount. It is further submitted that similarly placed persons viz., one C.Singaravelu and others, got an order in their favour by filing WP.No.15186/2013 praying for the grant of 5% personal pay by extending the benefit of the order passed in WP.No.45605/2006, which was confirmed in WA.No.1894 of 2011, pursuant to which, the same was implemented by the respondent in Letter No.Thu.pa.2/27660/2010 dated 23.01.2013; and based on the order passed by this Court in WP.No.15186/2013 and following the earlier orders, the similarly placed persons were granted 5% personal pay by the respondent vide Letter No.Thu.pa.2/29759/2013 dated 10.11.2014. Extending the said benefit to the petitioner herein, he made a representation to the respondent on 31.08.2015, which was kept pending without any action. Hence, this writ petition.

3.Heard both sides and perused the materials placed before this Court.

4.Considering the limited relief sought herein, this Court directs the respondent to consider the representation dated 31.08.2015 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the communication of the respondent in No.Thu.Pa.2/29759/2013 dated 10.11.2014, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc
To

The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.

+1cc to Mr.P. Rajendran, Advocate Sr.No.13126
+1cc to The Government Pleader, Advocate Sr.No.13189

W.P.No.331 of 2016

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NSK 14/07/2021