

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31911 of 2014

P.Vadivelu

.. Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

2. The Commissioner of Prohibition and Excise,
Chepauk,
Chennai - 600 005.

3. The Secretary to Government
Revenue Department,
Chennai 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the petitioner under the headings of arrears of special pay and allowances for the period from January 1986 to April 2007 and its retirement benefits in pursuance of Proc.(P&E)OPI(2) 22344/2009 dated 22.03.2011 by considering the representation dated 25.06.2014, Gift voucher for Rs.500/-, give 25 years service render in Government for the purchase of Kisan Vikas Patra and maturity value of Rs.1000/-, Pay Commission arrears with effect from January 2006 pursuance to representation dated 10.10.2011 sent to the respondent forthwith.

For Petitioner : No appearance

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

WEB COPY
ORDER

There is no representation for the petitioner either in person or through any counsel. Heard the learned Special Government Pleader appearing for the respondents and also perused the materials brought on record.

2.According to the petitioner, he was working as stenotypist in the office of the second respondent and he retired from service on 30.04.2007, on reaching the age of

superannuation. Thereafter, he submitted representation dated 10.10.2011 to the respondents seeking the following reliefs:

(i) sanction of special pay of Rs.40/- for having qualified in English shorthand Higher Grade for the period from January, 1986;

(ii) Fixation of pay in the light of G.O.Ms.No.234, Finance (Pay Cell) Department, Dated 01.06.2009 i.e., as per VI Pay Commission;

(iii) Sanction of Rs.500/- as Kisan Vikas Patra for having rendered unblemished service for 25 years; and

(iv) Service of the order of revocation cancelling the order of his promotion as Private Secretary to the Commissioner of Revenue Administration.

Finding no response on the same, the petitioner has come up with this writ petition before this Court.

3. Upon notice, the second respondent filed a detailed counter affidavit meeting out the averments made in the writ petition, which are as follows:

(i) As per the order of the Tribunal dated 21.06.2002 passed in O.A.No.2065 of 2002, by the proceedings of the Joint Commissioner of the Revenue Administration in D.Dis.No.OP I(1)/51000/1999, dated 12.10.2002, special pay of Rs.40/- was sanctioned for the period from May 1988 i.e., from the date of examination for shorthand English High speed;

(ii) Subsequently, pursuant to the order dated 08.02.2006, passed in WP.No.26188/2005, which was arising from OA.No.1104/2004, on abolition of the Tribunal, special pay of Rs.40/- was sanctioned to the petitioner for the period from January, 1986 to April, 1988 for having passed the Higher grade in English shorthand, by the order of the first respondent in No.OP I(1)/22854/2006 dated 17.06.2006;

(iii) The pay of the petitioner in the cadre of Steno typist was revised in the light of G.O.Ms.No.234, Finance (Pay Cell) Department, Dated 01.06.2009 and his pay was fixed at Rs.14,890/- + GP Rs.4300/- as on 01.01.2006 and subsequent increment thereon was regulated by the order of the second respondent in No.(P&E) OP I(2) / 22344/ 2009 dated 22.03.2011;

(iv) Necessary proposal for sanction of revised pension as per the revised pay fixation has also been sent by the second respondent to the Accountant General, Chennai, by letter No.OP I (2)/22344/2009 dated 02.09.2014 and the admissibility report is awaited from the Accountant General, Chennai;

(v) The first and second instalments of Rs.6341/- each towards pay commission arrears had already been drawn and disbursed to the petitioner by the second respondent. The orders on sanction of third instalment has been re-validated vide the order of the second respondent in No.P&E/OP I(2)/22344/2009 dated 07.01.2015 and the bill has been presented to the Pay and Accounts Office (East), Egmore, Chennai for further action;

(vi)The records relating to sanction of Kisan Vikas Patra to the petitioner are not traceable in the office of the second respondent. However, the Additional Commissioner, Revenue Administration / first respondent has been requested to send a copy of the order issued in this regard, vide letter of the second respondent in Ref.No.OP I(1) /11887/2007 dated 13.01.2005 and the same is awaited. On receipt of the same, necessary action will be taken for disbursement of amount sanctioned to the petitioner; and

(vii)The copy of revocation on cancellation of promotion order as Private Secretary to the Commissioner of Revenue Administration is awaited from the first respondent. On receipt of the same, it will be served on the petitioner immediately.

4.In the light of the averments made in the counter affidavit filed by the second respondent, this Court is of the opinion that nothing survives for adjudication herein, except directing the second respondent to take speedy steps to redress the grievances of the petitioner.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
2. The Commissioner of Prohibition and Excise,
Chepauk, Chennai - 600 005.
3. The Secretary to Government
Revenue Department, Chennai 600 009.

+1cc to the Government Pleader, S.R.No. 5378

W.P.No.31911 of 2014

PP(CO)
GN(07/07/2021)