



WEB COPY



W.P.No.7646 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7646 of 2019

and

W.M.P.Nos.3848 of 2020 and 18058 of 2019

C.Vishwanathan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary,
Higher Education Department,
Fort St.George,
Chennai – 9.
2. The Commissioner of Technical Education,
Gandhimandapam Road,
Chennai – 600 025.
3. The Executive Director,
Tamil Nadu Science and Technology Centre,
Gandhimandapam Road,
Chennai – 600 025.
4. The Pension Officer,
Office of the Accounts General (A&E),
PAO South,
Chennai – 600 018.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing 3rd and 4th Respondents to pay the petitioner's Settlement benefits and Pension based on the Tamil Nadu Revised Scales of Pay, 2009 at Rs.4400/- dated 08.11.2010 and to pay all such arrears accruing thereupon to pay being settlement due to the petitioner on the retirement.

For Petitioner : Mr.M.Dharani Dharan

For Respondents :
For R1 & R2 : Mr.A.Anandan
Government Advocate

For R3 : Mr.S.Ilamvaludhi

For R4 : Mrs.T.S.Selvarani

ORDER

The relief sought for in the present writ petition is to direct the third and fourth respondents to pay the petitioner's Settlement benefits and Pension based on the Tamil Nadu Revised Scales of Pay, 2009 at Rs.4400/- dated 08.11.2010 and to pay all such arrears accruing thereupon to pay being settlement due to the petitioner on the retirement.



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2. The petitioner filed the writ petition after his retirement. He was initially appointed as an Office Assistant Cum Driver and his services were confirmed in the cadre of Office Assistant Cum Driver with effect from 12.02.1986.

3. The grievances of the writ petitioner are that his pension was not revised based on the Tamil Nadu Revised Scales of Pay, 2009. Therefore, he made a representation to the authorities competent, which was not considered.

4. The learned counsel appearing on behalf of the third and fourth respondents made a submission that the petitioner was issued with an order of recovery on 28.10.2015, in respect of the excess salary paid to him and accordingly the excess amount was recovered and the order issued by the competent authorities was not challenged by the writ petitioner.

5. The petitioner was allowed to retire from service in the year 2016 and after a lapse of three years from the date of retirement, the present writ petition has been filed seeking revision of pension.



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6. The learned counsel for the respondent made a submission that the revision of pension was already granted to the writ petitioner in accordance with the rules in force and therefore, the prayer itself is not entertainable.

7. The learned counsel appearing on behalf of the Accountant General made a submission that the issues were already decided by the Hon'ble Division Bench of this Court and based on the decision, the revision of pension was granted to all the eligible employees including the petitioner and thus, no further adjudication is required. If any grievance exist, the petitioner is at liberty to approach the competent authorities. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index: Yes/No
Speaking order/Non-speaking order
rgm



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S.M.SUBRAMANIAM, J.

rgm

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