



WP No.23533 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.23533 of 2016

T.Megalai

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Petitioner

VS.

1.The Director of Public Health and Prevention
of Medicine,
DMS Compound,
Teynampet,
Chennai-18.

2.The Medical Officer,
Government Primary Health Centre,
Ayangudi,
Kattumannarkoil Taluk,
Cuddalore District.

3.The Block Medical Officer,
Government Primary Health Centre,
Ayangudi,
Kattumannarkoil Taluk,
Cuddalore District.



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4.The Accountant General,
Office of the Principal Accountant
General (A&E),
No.361, Anna Salai,
Chennai-600 018.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to sanction the arrears of Grade Pay a sum of Rs.80,846/- for the period from 01.01.2007 to 28.02.2010 as per the petitioner's representation dated 08.09.2015.

For Petitioner : Mr.M.Thamizhavel

For Respondents-1 to 3 : Mr.Stalin Abhimanyu,
Additional Government Pleader.

For Respondent-4 : Mr.V.Murali

ORDER

The relief sought for in the present writ petition is to direct the the third respondent to sanction the arrears of Grade Pay of sum of Rs.80,846/- for the period from 01.01.2007 to 28.02.2010 as per the representation submitted by the writ petitioner on 08.09.2015.



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2. The petitioner was appointed as Village Health Nurse and retired from service on 28.02.2010 on attaining the age of superannuation.

3. The grievance of the writ petitioner is that the arrears of Grade Pay due to her pursuant to the revision of Grade Pay done with reference to G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 was not granted to her. Thus, the petitioner submitted her representation on 08.09.2015 to the third respondent and the said representation of the petitioner was not considered by the third respondent.

4. The learned Additional Government Pleader, appearing on behalf of the respondents 1 to 3, objected the contentions raised on behalf of the petitioner by stating that even as per the Government Order relied on by the petitioner, the notional revision was effected from 01.01.2006 and the monetary benefit is to be granted from 01.08.2010 and the petitioner retired from service on 28.02.2010. Therefore, the petitioner is not entitled for the monetary benefit as per the Government Letter dated 08.11.2010.



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5. It is not in dispute that the revision of Grade Pay has already been granted to the writ petitioner with effect from 01.01.2006 pursuant to the implementation of the Pay Commission. However, the Grade Pay was also fixed, but the monetary benefit was granted only from 01.08.2010 as per the Government Letter. Since the petitioner retired from service even prior to the said date i.e., on 28.02.2010, she is not entitled to claim the monetary benefit or the arrears, as the case may be.

6. In view of the said position, the relief, as such, sought for in the present writ petition cannot be granted to the petitioner.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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