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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14729 OF 2022

V. Thirvengadam

... Petitioner

Vs.

The District Collector
Collectorate
Villupuram District at
Villupuram

... Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to pass orders on the representation dated 12.04.2022 seeking re-fixation of pay and revised pension and pensionary benefits as per the Tamil Nadu Revised Scales of Pay Rules, 2009 on merits and as per law within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.S.Rajesh
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. According to the writ petitioner, the petitioner worked as Block Development Officer and he was retired on superannuation on 31.05.2007. The Government introduced revised pay rules in the year 2009, however the re-fixation of salary and that of monetary benefits arising thereto were to be made effective from 01.01.2006 and the monetary equivalence from 01.01.2007. The petitioner was posted as Block Development Officer w.e.f. 02.02.2006 and had discharged duties as such till his superannuation. Therefore, he is entitled for revised



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fixation of monetary benefits as well as re-fixation in the salary with consequential revision and re-fixation in the pension and other emoluments thereto. It is on the basis of the Revised Pay Rules and that of the subsequent letter of the Government in No.34124 (Pay Cell)/2009-1, dated 26.06.2009 and that of yet another letter of the Government in No.45113/ (Pay Cell)/2009-I dated 17.08.2009, the petitioner's pay as well as pension ought to have been revised and re-fixed. In view of the same having not been appropriately considered, the petitioner made a representation dated 12.01.2022, but the authorities did not consider the said claim. However, by proceedings dated 21.02.2022, the petitioner was informed on behalf of the Collector that the notional fixation which has been done with reference to G.O.Ms.No.41 Finance Department dated 01.01.1999 would entail the petitioner for notional fixation and therefore, the claim sought for by the petitioner is not feasible. Therefore, the petitioner sent a representation dated 12.04.2022 seeking consideration of revision and re-fixation of pay as well as that of the pension and pensionary benefits and the same is still pending without passing any order. The petitioner has also stated in his representation that his legitimate claim of revision of pay cannot be denied as because the fixation sought for by him is on and after 01.01.2006 and that G.O.Ms. No.242, cannot be made applicable to the petitioner. Hence, the petitioner has filed the present writ petition before this Court.

3. Mr.S.Rajesh, learned Government Advocate takes notice for the respondent and he submitted that if any such representation of the petitioner was received by the respondent, the same will be considered, on merits and in accordance with law.

4. In view of the aforesaid submissions and also considering the limited scope of the prayer, without expressing any opinion on merits, in the interest of justice, this Court is inclined to direct the respondent to consider the petitioner's representation dated 12.04.2022, and pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar



To

The District Collector,
Collectorate,
Villupuram District at
Villupuram.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.36039
+1cc to the Government Pleader, S.R.No.36601

W.P.No.14729 of 2022

SKM(CO)
PM/04/07/2022