



WEB COPY



W.P.No.27352 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27352 of 2014

K.Muthu

... Petitioner

Vs.

1.The Secretary to Government
Home Department,
Fort St. George, Chennai 600009.

2.The Director General of Police,
Chennai 600004.

3.The Works Manager,
Police Transport Workshop-cum-
Training School,
Avadi, Chennai 600054.

4.The Principal,
Accountant General (A&E),
Tamil Nadu, Chennai 600018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein more particularly first respondent to set right the anomalies to enable the petitioner to get his due entitlement in the fixation in the post of Fitter Grade-1 for getting a revision in the rate of pension together with arrears and other pensionary benefits with arrears accrued pension and DCRG etc.



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For Respondents

[R1 and R2]

: Mr.L.S.M.Hasan Fizal

Additional Government Pleader

[R4]

: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents more particularly first respondent to set right the anomalies to enable the petitioner to get his due entitlement in the fixation in the post of Fitter Grade-1 for getting a revision in the rate of pension together with arrears and other pensionary benefits with arrears accrued pension and DCRG etc.,

2. The petitioner, even at the time of filing of the writ petition, was aged about 68 years and now he is around 75 years. He joined as Time Keeper in the office of Works Manager Police Transport Workshop-cum-Training School, Avadi. He has served about 28 years in the Department and retired from service on 30.08.2004.

3. The learned counsel for the petitioner mainly contended that as per the Government orders issued in G.O.Ms.No.162, Fin (PC) Department dated 13.04.1998 and with reference to the earlier



Government orders passed for revision of scale of pay, the fixation of the writ petitioner was not done properly. The Government orders issued in G.O.Ms.No.731, Fin (PC) Department dated 29.08.1994, and G.O.Ms.No.163, Home (Pol.XI) Department dated 11.02.2010 are referred. However, the revision was effected by Finance Department Government Order issued in G.O.Ms.No.162, Fin (PC) Department dated 13.04.1998.

4. Pertinently, the writ petitioner earlier filed W.P.No.28785 of 2004 and the issues regarding the fixation of pay and revision and the consequential recovery and other issues related to fixation were adjudicated by this Court elaborately and a judgment was delivered on 28.03.2011. Perusal of the said judgment reveals that all the Government Orders now referred in the present writ petition were considered and accordingly, the order of recovery issued by the respondent was set aside by this Court and the benefits were restored. When the issues regarding re-fixation of pay and recovery were elaborately considered by this Court and the order of recovery was set aside in the year 2011, again the writ petitioner filed the present writ petition for a Mandamus, seeking revision of pension.



5. If at all any grievance existed during the relevant point of time, the petitioner ought to have adjudicated the same in the earlier writ petition or at the time of retirement. The petitioner is now referring the Government order of the year 1998. He attained the age of Superannuation in the year 2004. He has challenged the fixation of pay and consequential recovery by filing a writ petition in W.P.No.28785 of 2004, which was adjudicated and an elaborate judgment was delivered by this Court on 28.03.2011, wherein, all those Government orders were referred and the issues were considered by this Court and relief was also granted to the writ petitioner.

6. This being the factum, now after a lapse of several years and at the age of 75 years, the petitioner cannot refer the Government order passed in the year 1998 for the purpose of further revision of pension or otherwise.



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7. Thus, this Court do not find any reason to consider the relief at this length of time and accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

08.07.2022

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Index : Yes

Speaking order : Yes

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S.M.SUBRAMANIAM, J.

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