

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.28512 OF 2014

1.K.Savithri (died)
2.K.Shila
3.K.Kalimuthu ...Petitioners
(2nd and 3rd petitioners substituted as LRs
of deceased sole petitioner vide order
dated 08.06.2022, made in WMP No.19135 of 2021)

Vs.

1.The Chief Secretary to Government
Chief Secretariat,
Puducherry - 605 001.
2.The Secretary to Government
(Public Works),
Chief Secretariat, Puducherry - 605 001.
3.The Chief Engineer,
Public Works Department,
Puducherry - 605 001.
4.The Block Development Officer,
Block Development Officer,
Nehru Nagar, Karaikal - 609 605. ...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus, directing the respondents to issue the 2nd Financial conferment order, conferring the pre-revised hierarchical upgraded scale of Rs.10,000-325-15,200/- in the name of late Thiru G.Kaliaperumal (late husband of the first petitioner herein) under the Assured Career Progression Scheme (ACPS), 1999, with effect from 09.08.1999 with pay, pension and family pension perquisites and to pass such further order or any other directions as deem fit and proper in the circumstances of the case.

For Petitioners : Mr.N.Thiagarajan
For Respondent : Mr.G.D.Jearany
Nos. 1 to 4. Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to issue the second financial conferment order, conferring the pre-revised hierarchical upgraded scale of Rs.10,000-325-15,200/- in the name of late Thiru.G.Kaliaperumal (late husband of the first petitioner herein) under the Assured Career Progression Scheme (ACPS), 1999, with effect from 09.08.1999 with pay, pension and family pension perquisites.

2.The first petitioner states that her husband late G.Kaliaperumal entered into the Government service on 14.08.1966 as Draughtsman in the Public Works Department, Government of Puducherry. The post was redesignated as Junior Engineer. The husband of the first petitioner attained Superannuation and retired from service on 30.04.2003. Subsequently, he died on 19.12.2011 without even receiving the regular pension. When the husband of the first petitioner was in service, a criminal case was registered against him on the file of the Additional Sessions Court, Puducherry, at Karaikal, in C.C.No.1 of 1996. The husband of the first petitioner was placed under suspension, however, the criminal case was ended with an order of conviction of simple imprisonment for six months with a fine of Rs.3,500/- by judgment dated 29.12.2006. The husband of the first petitioner filed a criminal appeal in C.A.No.37 of 2007 and the order of conviction was set aside by the High Court by judgment dated 01.03.2010. Accordingly, the husband of the first petitioner was acquitted. The husband of the first petitioner died even before receiving the regular pension.

3.The present writ petition has been filed seeking revision of scale of pay based on the Assured Career Progression Scheme (ACPS), 1999.

4.The learned counsel for the petitioners made a submission that the husband of the first petitioner submitted a representation on 14.09.2010 itself and the said representation was not considered by the competent authority during the relevant point of time. However, the fact remains that the employee though submitted the representation to the authority, had not pursued the remedy till his death i.e. on 19.12.2011. Thereafter, the first petitioner, who is wife of the deceased employee, filed the present writ petition seeking the benefits of the scheme of the year 1999.

5.The learned counsel for the petitioners made a further submission that the first petitioner also died and now, the legal heirs are entitled for claiming the benefits.

6.In view of the fact that the employee died in the year 2011 and the first petitioner/wife of the employee filed the writ petition in the year 2014 and during the pendency of the writ petition, she also died, the legal heirs are at liberty to pursue the representation submitted by the deceased employee and in the event of any such approach by the legal heirs, the authorities competent are bound to verify the eligibility and the entitlement and take a decision and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

7.Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

sms/sli

To

- 1.The Chief Secretary to Government
Chief Secretariat,
Puducherry - 605 001.
- 2.The Secretary to Government
(Public Works),
Chief Secretariat, Puducherry - 605 001.
- 3.The Chief Engineer,
Public Works Department,
Puducherry - 605 001.
- 4.The Block Development Officer,
Block Development Officer,
Nehru Nagar, Karaikal - 609 605.

+1cc to Mr.N.Thiagarajan, Advocate Sr.No.32842

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GPL(CO)
RVM(12/07/2022)