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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.29422 OF 2019

M.Velusamy

... Petitioner

-vs-

1. The Secretary to Government of Tamilnadu
Department of School Education
St. George Fort, Chennai - 600 009.
2. The Accountant General (A&E)
Government of Tamilnadu
No.361, Anna Salai
Teynampet, Chennai - 600 018.
3. The Head Master
Government Higher Secondary School
Thogaimalai - 621 313
Kulithalai Taluk
Karur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to sanction the eligible pension with attendant benefits thereto to the Petitioner on his LPD (Last Pay Drawn) at Rs.11,575/- from 01.09.2004 along with the appropriate compensation thereto.

For Petitioner : Mr.Nivas
For Mr.P.Kamarasu

For Respondents : Mrs.C.Sangamithirai
(For R1, R3)
Special Government Pleader

Mrs.Hema Muralikrishnan
(For R2)



O R D E R

Heard Mr. Nivas, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Third Respondents and Mrs. Hema Muralikrishnan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Second Respondent to sanction the eligible pension with attendant benefits to the Petitioner by taking his last pay drawn as Rs.11,575/- from 01.09.2004 along with the appropriate compensation.

3. This Court during the earlier hearing on 21.03.2022 had passed the following self-explanatory order:-

"The Petitioner has made a claim that his last drawn pay was Rs. 11,575/- on 31.08.2004, when he retired from service, and his pension had to be calculated on that basis. It has been brought to notice that the Third Respondent has also accepted the said claim and forwarded the same to the Second Respondent by Letter in Na. Ka. No. 70/2017 dated 30.06.2017. The Second Respondent had sought certain clarifications from the State Government, who had given clarification by Letter No. 27346/SE3(2)/2019-6 dated 10.03.2022, but the same does not contain any reference to the recommendation made by the Third Respondent in his letter dated 30.06.2017. Thereafter, Order No. AG (A&E)/LC/WP 29422 of 2019/2021-2022/1734-55237 dated 18.03.2022 passed by the Second Respondent fixing the last drawn pay of the Petitioner as Rs. 10,750/- has been produced before this Court.

2. The main contention of the Petitioner is that the last drawn pay has to be taken as 11,575/-, which has been recommended by the Third Respondent, but the same has not been considered either by the Second Respondent or the First Respondent.

3. In such circumstances, the First and Second Respondents shall jointly conduct an enquiry on 31.03.2022 after issuing notice to the Petitioner, the Third Respondent and all other concerned persons to re-examine the dispute with relevant records. If the First and Second Respondents are not in a position to conduct enquiry on that date, it shall inform all



parties concerned of the date of hearing to which it is adjourned in the prescribed manner. The outcome of such action taken be reported on the next hearing.

Post the matter on 18.04.2022."

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The First Respondent has filed affidavit dated 08.04.2022 in furtherance to the said order, in which it has been stated as follows:-

" 12. It is submitted that, the Government has clarified to the Accountant General in Government letter No.27346/SE3(2)/2019-6, dated 10.03.2022 and requested to regulate the pay of the Petitioner as per the Tamil Nadu Revised Scales of Pay Rules, 1998 as below:-

(I) Consequent to the Tamil Nadu Revised Scales of pay Rules, 1998 issued in G.O. (Ms) No.162, Finance (Pay Cell) Department, dated 13.04.1998 the pay of the Petitioner may be fixed as per the Fitment Table-15 appended in the said Government Order as follows:-

Existing Scale of Pay Rs.2000-60-2300-75-3200

Revised Scale of Pay Rs.6500-200-10500

Basic Pay	Rs.2,900/-
Personal Pay	Rs. 45/-
Dearness Allowance at 1510 points i.e., 148% of Pay + Personal Pay	Rs.4,359/-
Interim Relief - I	Rs. 100/-
Interim Relief - II	Rs. 290/-
Add 40% of Basic Pay + Personal Pay	Rs.1,178/-
	Rs.8,872/-

Pay fixed on 1.1.1996 as Rs.8,900/-

(II) Consequent to the revision of ordinary Grade Scale of pay certain teaching posts in School Education Department, issued in G.O. (Ms) No. 427, Finance (Pay Cell) Department, dated 28.08.1998, the pay of the Petitioner may be fixed as per the additional Fitment Table - 9 of the Government Letter



No.62265/PC-I/98-1/Finance
03.09.1998 as follows:-

Department, dated

Existing Scale of Pay Rs.2000-60-2300-75-3200

Revised Scale of Pay Rs.8000-275-13500

Basic Pay	Rs.2,900/-
Personal Pay	Rs. 45/-
Dearness Allowance at 1510 points i.e., 148% of Pay + Personal Pay	Rs.4,359/-
Interim Relief - I	Rs. 100/-
Interim Relief - II	Rs. 290/-
Add 40% of Basic Pay + Personal Pay	Rs.1,178/-
	Rs.8,872/-

Pay fixed on 1.1.1996 as Rs.9,100/-

(III) Increments

01.10.1996	Rs.9100+275=9375
01.10.1997	Rs.9375+275=9650
01.10.1998	Rs.9650+275=9925

(IV) Thiru.M.Velusamy was on extraordinary leave without allowances without Medical Certificate from 08.06.1999 to 29.07.2001. Hence, the consequent increments may be sanctioned as follows:-

01.10.2001	Rs.9925+275=10200
01.10.2002	Rs.10200+275=10475
01.10.2003	Rs.10475+275=10750

13. It is submitted that consequent on revision of ordinary grade scale pay of B.T. Assistant, the Special Grade scale of pay of the Petitioner has to be revised from Rs.6500-200-10500 to Rs.8000-275-13500 as ordered at the table Sl. No. 13 of Schedule-II of G.O. Ms. No. 162, Finance (PC) Department, dated



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13.04.1998. Accordingly, the basic pay of the Petitioner in the post of Special Grade B.T. Assistant was fixed at Rs.9100/- in the revised scale of pay of Rs.8000-275-13500 as against the basic pay of Rs.2900+45 PP drawn in the existing scale of pay of Rs.2000-60-2300-75-3200 as on 01.01.1996 by applying the Additional Fitment Table-9 appended in Government Letter No.62265-PC-1/98-1, Finance Department, dated 03.09.1998.

14. It is submitted that during the enquiry the Petitioner was explained about the method of pay fixation as per the Tamil Nadu Revised Scales of Pay Rules, 1998, in respect of employee drawing personal pay, as per illustration I appended to the rules. It was clarified to the Petitioner about the bunching system and explained to the Petitioner that the fitment table itself included increments allowed under Rule 4(1) b (iii) of the Tamil Nadu Revised Scales of Pay Rules, 1998."

In view of the aforesaid explanation made by the First Respondent, nothing remains for further consideration in the Writ Petition. If the Petitioner still has any grievance, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government of Tamilnadu
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+1cc to Mr.P.Kamarasu, Advocate, S.R.No.26261

+1cc to M/s.Hema Muralikrishnan, Senior Standing Counsel,
S.R.No.26057

+1cc to the Government Pleader, S.R.No.26325

W.P.No.29422 of 2019

NRJK(CO)
RLP(09/05/2022)