



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. Nos. 30752, 30753 and 30755 of 2017

A.Arjunan ... Petitioner in W.P. No. 30752 of 2017
K.Muthusamy ... Petitioner in W.P. No. 30753 of 2017
B.Natarajan ... Petitioner in W.P. No. 30755 of 2017

-vs-

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai - 600 009.
2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
3. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
4. The Accountant General (A&E),
Teynampet,
Chennai - 600 018.
... First to Fourth Respondents in all W.P.s
5. The Tahsildar,
Otan Chathiram Taluk,
Dindigul District.
... Fifth Respondent in W.P. Nos. 30752 & 30755 of 2017
6. The Tahsildar,
Vedachandur Taluk,
Dindigul District.
... Fifth Respondent in W.P. No. 30753 of 2017

Prayer in W.P. No. 30752 of 2017:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to issue a revised pension as per G.O. Ms. No. 64 Finance (Pay Cell) Department dated 26.02.2011 with effect from 30.06.2008 and consequently pay arrears of pension to the Petitioner arising out of revision of pension.



Prayer in W.P. No. 30753 of 2017:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to issue a revised pension as per G.O. Ms. No. 64 Finance (Pay Cell) Department dated 26.02.2011 with effect from 30.11.2007 and consequently pay arrears of pension to the Petitioner arising out of revision of pension.

Prayer in W.P. No. 30755 of 2017:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to issue a revised pension as per G.O. Ms. No. 64 Finance (Pay Cell) Department dated 26.02.2011 with effect from 31.03.2013 and consequently pay arrears of pension to the Petitioner arising out of revision of pension.

For Petitioner : Mr. K.S.Suresh and Mr. K.Arumugam
(in all W.P.s)

For Respondents: Mr. P.Balathandayutham,
(in all W.P.s) Special Government Pleader
(for R1 to R3 & R5)

No appearance (for R4)

O R D E R

Heard Mr. K.S.Suresh and Mr. K.Arumugam, Learned Counsel appearing for the Petitioners and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First to Third and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to issue revised pension to the Petitioners as per G.O. Ms. No. 64 Finance (Pay Cell) Department dated 26.02.2011 with effect from 30.06.2008, 30.11.2007 and 31.03.2013 respectively and to consequently pay arrears of pension to the Petitioner arising out of such revision.

3. In response to the claim made by the Petitioner, the First to Third and Fifth Respondents have filed common Counter-Affidavit dated 29.08.2018 in which it has been stated as follows:-

"6. It is submitted that all the Petitioners were awarded Selection Grade Village Administrative Officer prior to 01.01.2006 and their pay was wrongly fixed in the scale of pay of Rs. 9300-34800 + Grade Pay Rs. 4200/- as per G.O. Ms. No. 64, Finance [Pay Cell] Department dated 26.02.2011 and Government Letter No. 63305/Pay Cell/2010-1, dated 08.11.2010 by their Head of the Department. It is



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also submitted that the above wrong fixation has been identified by the Fourth Respondent i.e., Office of the Principal Accountant General of Tamil Nadu, Chennai at the time of sanction of their pension proposal and the concerned Heads of the Department were instructed to re-fix their pay as per the Government Letter No.

63305/Pay Cell/2010-1 dated 08.11.2010 subject to conditions stipulated in para-4 of the said letter and if the Selection Grade/Special Grade indicated in the above said letter happens to be higher than the first level/second level promotion posts, then the revised Selection grade/Special grade pay should be restricted to the first level/second level promotion posts respectively and also instructed to submit the revised pension proposal accordingly.

7. It is submitted that, the Petitioners are entitled for scale of pay Rs. 5200-20200 + Grade Pay Rs. 2800 only in their Selection Grade Village Administrative Officer post as on 01.01.2006 (i.e., restricted to the first level promotion post of Revenue Assistant) notionally with effect from 01.01.2006 and monetary benefit from 01.03.2011 as per G.O. Ms. No. 64, Finance [Pay Cell] Department dated 26.02.2011 and Government Letter No. 63305/Pay Cell/2010-1 dated 08.11.2010. Hence, the contention of the Petitioner is not valid."

Learned Counsel for the Petitioners submits that the benefits granted in the said Governmental Order have not been extended to the Petitioners despite the Government Letter No. 63305/Pay Cell/2010-1 dated 08.11.2010 and the explanation made in the Counter-Affidavit filed by the Respondents .

4. In such circumstances, the following order is passed:-

- (i) it shall be incumbent upon the concerned authority to immediately examine the representation dated 13.04.2017 made by the Petitioners with reference to the Government Letter No. 63305/Pay Cell/2010-1 dated 08.11.2010 and explanation made in the Counter-Affidavit dated 29.08.2018 filed by the First to Third and Fifth Respondents;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioners requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioners to explain their position in that regard and a reasoned



order shall be passed by 30.09.2022 dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;

- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of revised pension shall be disbursed within a period of 30 days from the date of passing of that order, apart from revised pension for future months on the due dates; and
- (v) the report of completion of the aforesaid exercise shall be filed before the Registrar (Judicial) of this Court.

In fine, these Writ Petitions are disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Secretary to Government of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Chennai - 600 009.
2. The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 600 009.
3. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
4. The Accountant General (A&E),
Teynampet, Chennai - 600 018.
5. The Tahsildar,
Dindigul Taluk, Dindigul District.
6. The Tahsildar,
Vedachandur Taluk, Dindigul District.
7. The Registrar (Judicial),
High Court, Madras.

+3 ccs to Mr.K.Sanjay, Advocate Sr.NOs.38771,38773,38774

+1 cc to Government Pleader Sr.NOs. 38566,38568,38569

W.P. Nos. 30752, 30753 and 30755 of 2017

ev (CO)

A.SK(28/06/2022)