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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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

W.P. NO. 21416 OF 2017

K.Haridoss

... Petitioner

-vs-

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner and Director,
Department of Survey & Settlement,
Chepauk,
Chennai - 600 005.

... Respondents

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider and pass orders on the representation of the Petitioner dated 17.12.2013 seeking fixation of pay for holding full in-charge and working in the post of Assistant Director of Survey and Land Records from 04.02.2002 to 30.06.2003, consequently grant terminal benefits in the light of the orders passed in W.P. No. 19173 of 2004 dated 30.03.2009 and G.O. Ms. (1D) No. 156, Revenue (NIA4[1]) Department dated 16.05.2013 and W.P.No.13431 of 2017 dated 02.08.2011 within the time limit that may be fixed by this Court.

For Petitioner : Mr. V.Chandrasekaran

For Respondents : Mr. P.Balathandayutham,
Special Government Pleader



O R D E R

Heard Mr. V.Chandrasekaran, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in this Writ Petition is that while working as Inspector in the Survey and Land Records Department, he was given full in-charge in the higher post of Assistant Director of Survey and Land Records from 04.02.2002 to 30.06.2003 and retired from service on 30.06.2003, but he was not given the monetary benefits for the work discharged in that higher post. It is contended that in respect of a similarly placed person, this Court by order dated 30.03.2009 in W.P. No. 19173 of 2004 extended certain benefits of increase in the pension amount and that the Petitioner is entitled for the same and though he has made a representation dated 17.12.2013 to the First Respondent, no action has been taken in that regard. Aggrieved thereby, the Petitioner has filed this Writ Petition.

3. The claim of the Petitioner is resisted by the Respondents by contending that it has been specifically mentioned in the order requiring the Petitioner to work in the higher post that it is a temporary arrangement and not a promotion and in view of the same, the Petitioner cannot claim any increased pension for having worked in the higher post. At the same time, it cannot be lost sight of the fact that certain reliefs had been granted to a person similarly placed to the Petitioner in the aforesaid order passed by this Court, which has been implemented by the Respondents and on that score, the Petitioner cannot be denied the same relief, if he is otherwise entitled to it.

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

- (i) it shall be incumbent upon the concerned authority to examine the representation dated 17.12.2013 made by the Petitioner as to whether he is otherwise entitled to the relief that has been granted in the order dated 30.03.2009 in W.P. No. 19173 of 2004 passed by the Court;
- (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 Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;



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(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 Petitioner to explain his position in that regard and a reasoned order shall be passed 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, it shall be ensured that the eligible amount of the arrears amount is disbursed within a period of three months from the date of passing of that order, apart from pension for future months on the due dates.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner and Director,
Department of Survey & Settlement,
Chepauk,
Chennai - 600 005.

+1cc to Mr. V.Chandrasekaran, Advocate, S.R.No.33914

+1cc to the Government Pleader, S.R.No.33730

W.P. No. 21416 of 2017

PL(CO)
PM/16/06/2022