



WEB COPY

W.P.No.30382 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30382 of 2022

--

N.V.Eswarasamy

.. Petitioner

Vs.

1. The Government of Tamil Nadu,  
Represented by its Principal Secretary,  
Rural Development and Panchayat Raj Department,  
Fort St.George, Chennai-600 009.
2. The Commissioner/Director,  
Rural Development and Panchayat Raj Department,  
Panagal Building, Saidapet, Chennai-600 015.
3. The District Collector,  
Coimbatore District,  
Coimbatore.
4. The Accountant General (A & E), Tamil Nadu,  
Teynampet,  
Chennai-600 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to revise the pension and pay arrears with all monetary and other attendant benefits pursuant to the order of the third respondent in his proceeding No.Na.Ka.11092/K1/2009, dated 18.08.2017 based on the representation dated 03.08.2022.



For petitioner : Mr.K.Raja

For respondents: Mr.P.Balathandayutham, Spl.G.P. for RR-1 and 2

Mr.L.S.M.Hasan Fizal, Addl.G.P. for R-3

Mr.V.Vijay Shankar, Standing Counsel for R-4

### ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to revise the pension and pay arrears with all monetary and other attendant benefits, pursuant to the order of the third respondent, dated 18.08.2017 based on the petitioner's representation, dated 03.08.2022.

2. The petitioner seeks for revision of pension and arrears of pay with all monetary and other attendant benefits pursuant to the order of the third respondent dated 18.08.2017.

3. According to the petitioner, the fourth respondent did not give due consideration to the following orders:

(i) G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S) Department, dated 11.03.1987, and

(ii) G.O.Ms.No.375, Personnel and Administrative Reforms (Per.S) Department, dated 22.10.1993.



4. It is the grievance of the petitioner that if the aforementioned Government Orders were considered, monetary benefits would have been sanctioned to him. The petitioner has retired from service. According to the petitioner, the third respondent in his proceedings dated 18.08.2017, has considered the aforementioned Government Orders and has come to the conclusion that the petitioner is entitled for revision of the pension and for arrears of pay and monetary and other attendant benefits. However, according to the petitioner, the fourth respondent has not passed final orders on the representation of the petitioner, dated 03.08.2022, in accordance with the proceedings of the third respondent, dated 18.08.2017, despite the petitioner having given a representation. In such circumstances, this Writ Petition has been filed for the relief stated supra.

5. Heard both sides and perused the materials available on record.

6. No prejudice would be caused to the respondents, if the petitioner is allowed to give a fresh representation seeking for the relief sought for in this Writ Petition and a direction is issued to the fourth respondent to pass final orders on the said representation on merits, and in accordance with law, within a time frame to be fixed by this Court.

7. The petitioner's grievance is that the fourth respondent will have to



sanction the revision of pension and pay arrears with all monetary and other attendant benefits to him, based on the proceedings of the third respondent, dated 18.08.2017. The petitioner has also enclosed the documents/proceedings along with this Writ Petition to substantiate his claim. It is for the respondents to consider those documents/proceedings on merits while passing final orders on the said representation.

8. Hence, this Court directs the petitioner to submit a fresh representation to the fourth respondent to revise the petitioner's pension and pay the arrears with all monetary benefits and other attendant benefits, pursuant to the order of the third respondent, dated 18.08.2017, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the fourth respondent shall pass final orders on the same on merits and in accordance with law, within a period of 12 weeks thereafter.

9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

16.11.2022

CS

To

Page No.4/6



WEB COPY

W.P.No.30382 of 20



1. The Government of Tamil Nadu,  
Represented by its Principal Secretary,  
Rural Development and Panchayat Raj Department,  
Fort St.George, Chennai-600 009.
2. The Commissioner/Director,  
Rural Development and Panchayat Raj Department,  
Panagal Building, Saidapet, Chennai-600 015.
3. The District Collector,  
Coimbatore District,  
Coimbatore.
4. The Accountant General (A & E), Tamil Nadu,  
Teynampet,  
Chennai-600 018.



WEB COPY



W.P.No.30382 of 20

ABDUL QUDDHOSE, J

CS

W.P.No.30382 of 2022

16.11.2022