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W.P. No.31904 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.31904 of 2022

S. Balasubramanian

...Petitioner

VS.

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Director,
The Fire and Rescue Services Department,
Chennai – 600 008.

3. The District Fire Officer,
Vellore,
Vellore District.

4. The Principal Accountant General (A & E)
Anna Salai,
Chennai – 600 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to sanction and pay the difference of arrears of pension to the petitioner as per G.O. Ms. No.304 Finance (PC) Department dated 28.03.1990 together with



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interest at the rate of 18% p.a. From 01.10.1997 till the date of payment to the petitioner.

For petitioner : Mr.A.R. Suresh
For respondents : Mr.L.S.M. Hasan Fizal,
Addl. Govt. Pleader for R1 to R3
Mr.V. Vijaya Shankar,
Standing counsel for R4

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader accepts notice for the respondents 1 to 3 and Mr.V. Vijaya Shankar, learned Standing counsel accepts notice for the 4th respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to sanction and pay the difference of arrears of pension to the petitioner as per G.O. Ms. No.304 Finance (PC) Department, dated 28.03.1990 together with interest at the rate of 18%p.a. from 01.10.1997 till the date of payment to the petitioner.

4. According to the petitioner, he retired from service in the year 2002. According to him, if G.O. Ms. No.304 Finance (PC) Department, dated 28.03.1990 is applied, he will get higher pension. According to him, the said G.O. is applicable to him. He has given a representation on



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28.05.2022 for the said purpose. Since the representation has not been considered till date, he has filed this writ petition.

5. Heard Mr.A.R. Suresh, learned counsel for the petitioner, Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader for the respondents 1 to 3 and Mr.V.Vijaya Shankar, learned Standing counsel for the 4th respondent.

6. At the outset, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner having retired from service in the year 2002 itself and having kept quiet for such a long period of time, the petitioner cannot be granted the relief that has been sought for in this writ petition. He would also submit that G.O. Ms. No.304 Finance (PC) Department, dated 28.03.1990, which the petitioner relies upon is of the year 1990. The said statement made by the learned Additional Government Pleader is recorded.

7. However, the learned counsel for the petitioner would submit that in similar circumstances, similarly placed employees were granted the relief. He also drew the attention of this Court to an order dated 07.12.2016 passed by this Court in W.P. No.42747 of 2016, wherein, a similarly placed employee's representation was directed to be considered



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based on the very same G.O.

WEB COPY 8. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court. However, this Court is of the considered view that the petitioner will have to give a fresh representation.

9. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents requesting for sanction and pay the difference of arrears of pension to the petitioner as per G.O. Ms. No.304 Finance (PC) Department, dated 28.03.1990, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 4th respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

10. With the aforesaid directions, this writ petition stands disposed of. No costs.

29.11.2022

Index: Yes/No



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Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To

1. The Secretary to Government
The State of Tamil Nadu
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Director,
The Fire and Rescue Services Department,
Chennai – 600 008.

3. The District Fire Officer,
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ABDUL QUDDHOSE, J.

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