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W.P.No.33396 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33396 of 2022

A.S.Subramanian

... Petitioner

versus

1. The Accountant General
(Accounts and Entitlements),
Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Superintendent of Police,
District Police Office,
Nagapattinam

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the first respondent to reconsider and revise petitioner's basic pay from Rs.54,100/- to Rs.55,700/- and to correspondingly revise and enhance the pension amount from Rs.27,050/- per month to Rs.27,850/- per month along with attendant monetary benefits including the arrears from the day of petitioner's retirement, i.e., on 30.09.2018 onwards.

For Petitioner : Mr.K.M.Subramanian

For Respondents : Ms.Hema Murali Krishnan
Standing Counsel
For R.1
Mr.D.Ravichander
Spl.G.P
For R.2



W.P.No.33396 of 2022

WEB COPY

ORDER

The grievance of the petitioner in this writ petition is that there is a pay anomaly in his basic pay. According to the petitioner, on the date of his retirement, his pay ought to have been fixed at Rs.55,700/-per month, but, whereas, his basic pay has been fixed at Rs.54,100-per month. According to the petitioner, if the pay is fixed at Rs.55,700/-per month, he will be getting pension of Rs.27,850/-, but, presently he is getting a lower pension of Rs.27,050/-. In such circumstances, the petitioner has given a representation on 05.12.2018 requesting the respondents to revise his basic pay on the date of his retirement i.e., on 30.09.2018 at Rs.55,700/- instead of Rs.54,100/-. Since the representation has not been considered till date, the petitioner has filed this writ petition.

2. Heard Mr.K.M.Subramanian, learned counsel for the petitioner and Ms.Hema Murali Krishnan, learned Standing Counsel accepts notice on behalf of the first respondent and Mr.D.Ravichander, learned Special Government Pleader accepts notice on behalf of the second respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.



W.P.No.33396 of 2022

3. No prejudice would be caused to the respondents if the petitioner's representation, seeking for revision of his pay and pension, as stated supra, is considered on merits and in accordance with law within a time frame to be fixed by this Court.

4. Since the representation given by the petitioner is an old one, he will have to give a fresh representation.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent requesting for revision of his basic pay on the date of his retirement i.e., on 30.09.2018 at Rs.55,700/- and accordingly, revise his pension from Rs.27,050/- to Rs.27,850/-per month within a period of one week from the date of receipt of a copy of this order. On receipt of such a representation, the first respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter.

6. With the aforesaid direction, the writ petition is disposed of. No costs.

13.12.2022

SR

Index: Yes/No

Speaking Order/Non-Speaking Order

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W.P.No.33396 of 2022

ABDUL QUDDHOSE,J.

sr

To

- 1.The Accountant General
(Accounts and Entitlements),
Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai-600 018.
2. The Superintendent of Police,
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