



W.P.No.27629 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27629 of 2018

S.Vaithiyanathan

... Petitioner

Vs.

1.The Director,
Information and Public Relation Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Deputy Director (Publication)
Tamil Arasu Office,
Block No.5, Rajiv Gandhi Salai,
Kanagam, Taramani,
Chennai – 600 113.

3.The Accountant General,
Teynampet,
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 to take action on the



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petitioner's representation dated 09.06.2018 and to re-fix the pension of the petitioner by taking his basis pay as Rs. 6,000/- and pay revised pension along with arrears.

For Petitioner : Mr.M.Sivavarthanan
For R1 & R2 : Mr.K.Tamil Vendan
Government Advocate
For R3 : Mr.S.Balaji

ORDER

The relief sought for in the present writ petition is to direct the respondents to take action on the petitioner's representation dated 09.06.2018 and to re-fix the pension of the petitioner by taking his basis pay as Rs. 6,000/- and pay revised pension along with arrears.

2.The petitioner was initially appointed as Bradhma Operator and retired from services on 30.06.2004. Even at the time of filing of the writ petition, the petitioner was aged about 72 years. The grievance of the writ petitioner is that his last pay drawn as per Service Records was not taken into



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consideration for fixation of pension and therefore, he suffered financial loss.

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His pension is to be fixed based on his last pay drawn and in this regard, the petitioner submitted several representations which were not considered and therefore, the petitioner is constrained to move the present writ petition.

3.The learned counsel for the petitioner made a submission that as per the Service Records of the writ petitioner the pay of Rs.6000/- was fixed by the office establishment and based on the said fixation, the pension is to be granted and accordingly, the petitioner is eligible for revision of pension from the date of retirement and the arrears are also to be paid.

4.The learned counsel appearing on behalf of the respondents 1 and 2 objected the said contention by stating that entry in the Service Record was made mistakenly by the authorities during the relevant point of time and the said mistake was noticed by the Accountant General of Tamil Nadu/3rd respondent and as per the instructions of the Accountant General of Tamil Nadu, the mistake was rectified and accordingly, the basic pay of Rs.5800/-



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was fixed which was the correct fixation for the post in which the petitioner served. It is clarified in Paragraph No.8 of the counter filed by the 3rd respondent that the wrong calculation which was made earlier was rectified by the Accountant General, Chennai from Rs.6000/- to Rs.5800/- as basic pay. It is further stated that actual basic pay of the writ petitioner was only Rs.5800/- at the time of his retirement and based on the mistaken entry, the petitioner cannot claim any advantage.

5.The last pay drawn was taken into consideration for fixation of pension in the year 2004, when the petitioner attained the age of superannuation. However, the petitioner has filed the present writ petition after a lapse of about 14 years from the date of retirement. Even then, the respondents have clarified that the basic pay applicable to the petitioner is Rs.5800/- during the relevant point of time and the mistaken entry made by the establishment cannot be taken undue advantage by the petitioner. This being the factum, this Court do not find any infirmity in respect of the fixation made by the respondents.



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6. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
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To

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2. The Deputy Director (Publication)
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S.M.SUBRAMANIAM, J.

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