



W.P.(MD) No.5431 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.5431 of 2020

V.Chockalingam

... Petitioner

-VS-

1.The Accountant General
Accounts & Entitlements,
Theynampet, Chennai 600 018.

2.The Revenue Divisional Officer,
Melur, Office situated at Y.Othakadai
Madurai District

3.The Tahsildar,
Melur Taluk
Madurai District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondents 2 and 3 in X.K.vz.: 6003/2018/m3 dated 29.10.2018 and e.f.vz.: 976/2018/m1 dated 22.07.2019 and to quash the same and to consequently direct the 3rd respondent to



W.P.(MD) No.5431 of 2020

forward the revised pension proposal based on selection grade pay scale to the 1st respondent.

For Petitioner : Mr.V.Santhakumaresan
For Respondents : Mr.S.P.Maharajan for R2 & 3
Special Government Pleader
Mr.P.Gunasekaran for R1

ORDER

This writ petition has been filed challenging the impugned order of the respondents 2 and 3 dated 29.10.2018 and 22.07.2019 respectively and to direct the 3rd respondent to forward the revised pension proposal based on selection grade pay scale to the 1st respondent.

2. The case of the petitioner is that he was working as a Village Administrative officer till his retirement on 30.04.2004. He is having qualifying service of 11 years and 4 months. Initially, his service was regularised on 30.12.1992 and as such, he has completed 10 years of service on the said date and in the said cadre and his pay scale was fixed at Rs.3,880/-. The further case of the Petitioner is that as per G.O.Ms.No.



W.P.(MD) No.5431 of 2020

WEB COPY

235(Fin-P.C) Department dated, 01.06.2009 his pension has to be refixed and from 01.10.2017, he is entitled for a sum of Rs.9,750/- as pension, for which, the Petitioner made a representation to the 3rd respondent on 09.06.2018. Since, the 3rd respondent has not taken any action, the petitioner sent a representation to the 2nd Respondent dated 15.10.2018. However, the 2nd respondent vide impugned order dated 22.07.2019 rejected the petitioner's request stating that the petitioner is not entitled for special grade pension, whereas, the petitioner made application to consider his entitlement for refixation of pay as per selection grade and not for Special Grade revision.

3. The learned counsel for the petitioner would submit that since the petitioner is entitled for selection grade pension revision, he repeatedly made representations to award selection grade and revise the pension. However, the said representation has been mechanically rejected and hence, he prays for allowing the writ petition.



W.P.(MD) No.5431 of 2020

WEB COPY

4. The appointment of the petitioner as Village Administrative Officer and he was granted time scale of pay and his completion of ten years are not in dispute. The grievance of the petitioner is that revised selection grade pension was not granted in his favour. It is also admitted that selection grade and special grade was conferred on an employee after completion of ten and twenty years respectively and perusal of the impugned order reveals that selection grade was granted in favour of the petitioner on 01.10.2003 and on the same day, the pay scale was revised and thereafter the petitioner retired on 30.04.2004. After a lapse of 14 years, the petitioner made a representation for grant of selection grade revised pension, which was already granted. Hence, the prayer sought for by the petitioner is misconceived and the rejection order cannot be interfered with. Accordingly, the writ petition is dismissed. No costs.

08.12.2022

Index : Yes/No
Internet : Yes

RR



W.P.(MD) No.5431 of 2020

To

1. The Accountant General
Accounts & Entitlements,
Theynampet, Chennai 600 018.
2. The Revenue Divisional Officer,
Melur, Office situated at Y.Othakadai
Madurai District
3. The Tahsildar,
Melur Taluk
Madurai District



WEB COPY



W.P.(MD) No.5431 of 2020

M.DHANDAPANI, J.

RR

W.P.(MD) No.5431 of 2020

08.12.2022