



W.P.(MD)No.7423 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2022**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7423 of 2019

N.Mangalam

... Petitioner

Vs.

1. The Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai – 600 018.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Secretary to Government,
Finance Department,
Chennai.

... Respondents

***(R3, suo motu impleaded, vide Court Order,
dated 09.12.2022 in W.P.(MD)No.7423 of 2019)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent i.e., the Accountant General,



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Chennai passed in his impugned Letter No. PO1/5/ 10120025/ ADK dated 31.12.2018 and quash the same and consequently direct the District Collector, Dindigul, to resubmit the revised pension proposals of the petitioner as per G.O. (Perm) No. 45 Finance (Salary) Department dated 10.02.2011 with Personal Pay of Rs.500/- and to direct the Accountant General, Chennai to sanction the proposals resubmitted by the District Collector, Dindigul within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr.S.Visvalingam
For R1	: Mr.P.Gunasekaran Accountant General Standing Counsel
For R2	: Mr.J.John Rajadurai Government Advocate

ORDER

The petitioner is claiming the benefits of G.O. (Perm) No. 45 Finance (Salary) Department, dated 10.02.2011, to pay Personal Pay. The claim of the petitioner was rejected by the first respondent, the Accountant General. However, the District Collector has recommended to grant Personal Pay.



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2. The petitioner retired on 28.02.2006. G.O. (Perm) No. 45 Finance (Salary) Department, dated 10.02.2011 was passed granting Personal Pay with effect from the Government Order. However, the notional benefits was fixed with effect from 01.01.2006. Since the petitioner was serving from 01.01.2006 to 28.02.2006, the petitioner is claiming her benefits.

3. The learned Counsel appearing for the first respondent submitted that the petitioner has filed this writ petition belatedly and the same was hit by principles of delay and laches. The second ground that was raised by the first respondent is that the petitioner was not served in the said post when the Government Order was issued. In other words, the petitioner was serving in the promoted post when the said G.O. is passed. Therefore, the Government Order is not applicable to the petitioner. Based on this ground, the first respondent has rejected the claim of the petitioner through the impugned order.

4. After hearing the rival contention of the parties, this Court



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is of the considered opinion that the issue raised in this writ petition ought to be considered by the Government. The Government ought to clarify whether the petitioner is entitled to the benefits from 01.01.2006 to 28.02.2006. Hence, this Court *Suo Motu* impleaded the Secretary to Government, Finance Department, Chennai. The case is remitted back to the impleaded third respondent to consider and clarify whether the petitioner is entitle to the benefits G.O. (Perm) No. 45 Finance (Salary) Department, dated 10.02.2011 for the period from 01.01.2006 to 28.02.2006 and the said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition is disposed of. No costs.

09.12.2022

Index : Yes / No
Internet : Yes / No
jbr



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S.SRIMATHY, J

jbr

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