



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.02.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.20285 of 2014
and
M.P. (MD) No.1 of 2014

T.Rethina Sigamani

...Petitioner

..vs..

1.The Accounts Officer,
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu,
381, Anna Salai,
Chennai - 600 018.

2.The Director,
Directorate of Fire and Rescue Services,
Egmore,
Chennai - 8.

3.The Divisional Officer,
Tamil Nadu Fire and Rescue Services,
Kanyakumari District,
Nagercoil.

4.The Station Officer,
Fire and Rescue Services,
Nagercoil.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent, vide letter, Pen 22/III/42206664/13-14/Rev/316, dated 30.07.2013, quash the same and consequently, to direct the first respondent to provide the petitioner the pensionary benefits on the basis of the grade pay of Rs.2600/-.

For Petitioners : Mr.C.T.Perumal

For Respondents : Mr.P.Gunasekaran for R1

Mr.N.Ramesh Arumugam for R2 to R4
Government Advocate (civil side)



O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the order of the first respondent, vide letter, Pen 22/III/42206664/13-14/Rev/316, dated 30.07.2013 and consequently, to direct the first respondent to provide pensionary benefits on the basis of the grade pay of Rs.2600/-.

2. The petitioner was appointed as Fireman on 01.09.1982 and retired on 28.02.2013. The contention of the petitioner is that he has received a Special Grade on 01.09.2002 and was granted upgraded as Leading Fireman on 16.07.2005 and has scale pay of Rs.2600/- (Rupees Two Thousand and Six Hundred only). After retirement the first respondent has denied the upgraded Leading Fireman scale of pay to the tune of Rs.2600/- (Rupees Two Thousand and Six Hundred only) and declined to pay the pension benefits to the petitioner. Challenging the impugned order, dated 30.07.2013, the writ petitioner has filed this writ petition.

3. The respondents have not issued any notice before passing the impugned order. Therefore, this Court directs the first respondent to consider the claim of the petitioner. The impugned order dated 30.07.2013 shall be considered as show cause notice, then the petitioner shall submit an explanation within three weeks from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to pass a detailed speaking order explaining the eligibility / non eligibility of the petitioner. The respondents are directed to carry out the exercise within a period of four weeks thereafter.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

jbr



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+1 CC to M/s.C.T.PERUMAL, Advocate (SR-3600[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3661[F] dated 02/02/2022)

W.P(MD) No.20285 of 2014
01.02.2022

MGJ(21.02.2022) 3P 7C