



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 25825 of 2019

R.Ramaraj

... Petitioner

Vs.

1. The Director,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Thanjavur District,
Thanjavur - 613 001.
3. The District Educational Officer,
Thanjavur District, Thanjavur - 613 001.
4. The Block Educational Officer,
Thanjavur Rural,
Thanjavur - 613 001.
5. The Assistant Elementary Education Officer,
Thanjavur District, Thanjavur - 613 001.
6. The Pension Pay Officer,
Anna Salai, Nandanam,
Chennai - 600 035.

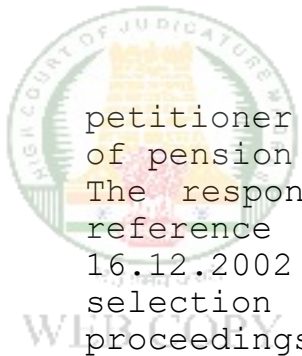
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the entire records ending with the letter Na.Ka.No.1679/A1/2019 dated 10.09.2019 sent by the fourth respondent and quash the same and direct the respondents to consider the petitioner's application dated 01.03.2019 for re-fixing of pay scale and revision of pension afresh and to pass orders as per G.O.Ms.No.185, Education Department dated 16.12.2002.

For Petitioner : Mr.A.R.Kannappan
For Respondents : Mr.V.Om Prakash
Government Advocate

O R D E R

The writ petitioner was appointed as Secondary Grade Teacher in Panchayat Union Elementary School. He was promoted as Head Master in Panchayat Union Elementary School in the year 1987. The petitioner was allowed to retire from service. However, after retirement, the



petitioner submitted a representation on 09.01.2019 seeking revision of pension based on the fixation to be made while he was in service. The respondents considered the case of the writ petitioner with reference to G.O.Ms.No.185, School Education Department dated 16.12.2002 and the petitioner was granted with the benefit of selection grade and special grade and his pay was fixed in proceedings dated 27.06.2003. When the selection grade and special grade pay were granted in favour of the petitioner in the year 2003 itself, the petitioner has chosen to submit a representation after a lapse of about 16 years and more so, after attaining the age of superannuation. Even in the affidavit, the petitioner has stated that he is 68 years old. Such belated claim for re-fixation of pay with retrospective effect cannot be considered and the petitioner has slept over his right for several years and more so, the fixation was granted and the benefit of selection grade and special grade were granted to the writ petitioner in proceedings dated 27.06.2003. This being the factum, the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present Writ Petition.

2. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

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+1 CC to M/s.SPL GP (SR-6835[F] dated 17/02/2022)

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CK(CO)

GC(28.02.2022) 3P 8C