



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10815 of 2021

P.Nagarajan

...

Petitioner

versus

1.The Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.

2.The Assistant Commissioner,
Ammamet Ward Office,
Salem City Municipal Corporation,
Salem.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the petitioner, the difference of arrears of pension, to be calculated at the rate of Rs.4,400/- per month, as per the revised scale of pay, for Special Grade, relating to the post of Revenue Inspector (Special), for the period from 01.08.2010 to 31.03.2013, together with interest at the rate of 12%, on the said amount, within a time frame, as may be fixed by this Court.

For Petitioner : M/s.Elizabeth Ravi

For Respondents : M/s.N.Devi
Standing Counsel



ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the respondents to pay the difference of arrears of pension, to be calculated at the rate of Rs.4,400/- per month, as per the revised scale of pay, for Special Grade, relating to the post of Revenue Inspector (Special), for the period from 01.08.2010 to 31.03.2013, together with interest at the rate of 12%, on the said amount.

2. The petitioner has joined as a Bill Collector in Salem Municipality on 13.03.1975. He was designated as Revenue Assistant and promoted as Revenue Inspector (Special), Ammapet Ward and retired on 31.01.2008. Before his retirement, several charges have been framed and the charge memo dated 25.01.2008 was given and the proceedings are still pending.

3. There was a Government Order in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 for revising the scale of pay of the employees notionally with effect from 01.01.2006, with all monetary benefits from 01.01.2007 and in case of employees awarded Selection



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Grade / Special Grade, a clarification letter was issued by the Finance (PC) Department dated 08.11.2010 and thereby re-fixing the scale of pay to the employees to their first and second level promotion posts.

4. Since the petitioner was working as Revenue Inspector (Special) in Ammapet Ward, he became eligible for the revised scale of pay in the Special Grade, on the date of promotion and even on the date of his retirement. The petitioner sent a representation dated 06.02.2015 to the respondents. On 02.03.2015, the first respondent sent a reply by fixing scale of pay for the purpose of granting pension at the rate of 4,300/- per month. As per the revised scale of pay from 01.08.2010 onwards, the petitioner is entitled for re-fixation of his pension at the rate of 4,400/- per month. For the employees of the Erode Municipal Corporation, in the same cadre, the revised scale of pay for Special Grade has already been fixed at the rate of 4,400/- per month.

5. On 11.03.2016, a letter was sent by the second respondent by stating that the arrears will be paid after the disposal of W.P.No.12917 of 2010. Since the arrears of pension has to be given at the rate of Rs.4,400/-



per month, as per the revision scale of pay relating to the post of Revenue Inspector (Special) for the period from 01.08.2010 to 31.03.2013, the petitioner has filed this petition seeking a mandamus.

6. The learned Standing Counsel for the respondents has filed counter by stating that as per the Government Order in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 and as per the Government Letter No.63305/Pay Cell/2010-1 dated 08.11.2010, the pending remuneration was calculated to the petitioner and thus, a sum of Rs.39,015/- has been paid to him through a Cheque bearing No.237290 dated 02.06.2015.

7. As per the instructions received from the Deputy Director of Local Fund Audit and also as per the Government Order dated 01.06.2009 and the Government Letter dated 08.11.2010, the pending remuneration of the petitioner was calculated. From 01.04.2013, the pension amount are being deposited to the petitioner without any delay. The Commissioner of Erode Municipality assented to the pension amount as said by the petitioner whereas the Deputy Director of Local Fund Audit never gave assent for the



same which makes it voidable at the interest of Deputy Director and it violates the local rules of the Corporation. So as per the law, the fixation of Rs.4,300/- per month is duly calculated.

8. The arguments of the respective counsels are in the line of their pleadings.

9. As per G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, the Government has calculated the remuneration of the petitioner as under:-

1.	Employee appointed date	12.03.1975
2.	10 years completed date	01.07.1986
3.	Selection date / Special Status commencing date	01.07.1986 / 16.07.1986
4.	Renumeration in the office of Special Status Revenue Inspector as on 31.12.2005	Rs.5800+250 +6050/- Rs.4300-100-6000
5.	Calculation of Renumeration as per the Government Order No:234 Finance Department (Pay Cell)	Rs.11,260+G.P.2600 = Rs.13,860/- Rs.9300-34800+G.P. 4300/-
6.	Hike on renumeration on 01.07.2006 3% (470)	Rs.11,730 + G.P. 4300 = 16,030/-
7.	Hike on renumeration on 01.07.2007 3% (480)	Rs.12,210 + G.P. 4300 = 16,510/-
8.	Retired on	31.01.2008
9.	Last Received Pay	Rs.16,510/-
10.	Pension	$\frac{\text{Rs.16510} \times 1}{2} = \text{Rs.8,255/-}$



10. Even while rejecting the petitioner's request for pay fixation, an order dated 11.03.2016 was passed wherein the petitioner was sanctioned with a pay difference of Rs.39,015/-. The respondents have not stated any specific reason or even invoked the Government Order to reject the benefits claimed by the petitioner. The specific contention of the petitioner is that G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 itself is not applicable to him as he has been in the Selection Grade as early as on 16.07.1996. Since the Government Order itself is not applicable to the case of the petitioner, it is not fair on the part of the respondents to deny the relief claimed by the petitioner.

11. Hence, this Writ Petition is allowed and the respondents are directed to calculate the pension arrears of the petitioner for the period from 01.08.2010 to 31.03.2013 at the rate of Rs.4,400/- per month and the difference of Rs.100/- per month for the period from 01.04.2013 to 01.01.2015 and pay the same to him, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

06.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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