



WEB COPY



W.P.No.10746 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.10746 of 2021  
and  
W.M.P.No.11377 of 2021

V.C.Munusamy, M/67  
29, N.G.G.O's Colony,  
Collectorate Post,  
Dharmapuri 636 705  
Dharmapuri District.

... Petitioner

/Vs/

1.The Accounts Officer (Pension 10)  
Office of the Principal Accountant General  
(Accounts & Entitlements)  
Tamil Nadu, Chennai 600 018.

2.The Chief Educational Officer,  
Dharmapuri,  
Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1<sup>st</sup> Respondent in his proceedings A.G (A & E) Legal Cell/WP 10788/2013/837-32293 dated 10.11.2020 and consequential order in Pen11/1/11128211/20-21 dated 15.12.2020 and



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consequential order in in P18/1/11821472/ADK/20 dated 22.03.2021 and quash the same and direct the Respondents to pay pension including 5% Personal Pay for the LPD Rs.18090/- w.e.f. 01.06.2012 and to get pension w.e.f. 01.04.2013 including one additional increment w.e.f. G.O.Ms.No.237/Finance (PC) dated 22.07.2013 for the LPD Rs.18620/- basis of pension Rs.9045/- per month to the Petitioner and confer all the consequential benefits including repayment of withheld amount.

For Petitioner : Mr.P.Ganesan

For Respondents : Ms.T.S.Selvarani (for R1)  
Senior counsel

Ms.P.Rajarajswari (for R2)  
Government Advocate

### ORDER

This Writ Petition has been filed by the Petitioner for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1<sup>st</sup> Respondent in his proceedings A.G (A & E) Legal Cell/WP 10788/2013/837-32293 dated 10.11.2020 and consequential order in Pen11/1/11128211/20-21 dated 15.12.2020 and consequential order in in P18/1/11821472/ADK/20 dated 22.03.2021 and quash the same and direct the Respondents to pay pension including 5% Personal Pay for the



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LPD Rs.18090/- w.e.f. 01.06.2012 and to get pension w.e.f. 01.04.2013

including one additional increment w.e.f. G.O.Ms.No.237/Finance (PC) dated 22.07.2013 for the LPD Rs.18620/- basis of pension Rs.9045/- per month to the Petitioner and confer all the consequential benefits including repayment of withheld amount.

2.The learned counsel for the Petitioner submitted that the Petitioner was appointed as Watchman through employment exchange on 18.12.1981, later he was promoted as Cleaner and then Driver and after enjoying the selection grade pay in the cadre of driver, he retired from service on 31.05.2012. After retirement the Petitioner raised a claim that he is entitled to 5% Personal Pay from 01.08.1992 and consequential pensionary benefits. After considering the representation of the Petitioner an order has been passed on 10.12.2020 by the first Respondent rejecting the request of the Petitioner. Subsequently, the second Respondent/the Chief Educational Officer, who is the Petitioner's employer has sent a letter dated 08.03.2021 to the first Respondent by stating as under:

*“With regard tot he above, I am to state that the proceedings R.C.No.7506/A5/2011 dated 14.11.2011 of Chief Educational*



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*Officer, Dharmapuri is cancelled one addl. Increment 3% is sanctioned to Thiru.V.C.Munusamy Rtd Driver for the availed for the award of Special Grade in Driver post with effect from 07.08.2009 (with monetary benefit from 01.04.2013, only for pension benefit: with reference to G.O.ms.No.237/Fin(PC) dated 22.07.2013. His pension benefits have to be revised for LPD Rs.17120 as per the entire mase in the Service Vol V Page No.21-23.*

*I am herewith re-transmitting the revised pension proposals along with his service registers 5 Volumes. I kindly request you to revise the pension benefits of Thiru.V.C.Munusamy, retired Driver as early as possible.”*

However, the first Respondent without considering the sanction of one additional increment at 3%, has returned the file.

3.Heard the learned counsel appearing on either sides and perused the available records.

4.Since the Petitioner's employer himself has stated that the Petitioner is eligible for one more increment, the first Respondent ought to have implemented the same by admitting the Petitioner's entitlement. Since



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the file was returned without acting upon the recommendation of the employer, the first Respondent is directed to reconsider the same and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**04.10.2023**

Index : Yes/No  
Neutral citation : Yes/No  
Speaking Order/Non-Speaking Order

*sai*

To

1. The Accounts Officer (Pension 10)  
Office of the Principal Accountant General  
(Accounts & Entitlements)  
Tamil Nadu, Chennai 600 018.

2. The Chief Educational Officer,  
Dharmapuri,  
Dharmapuri District.



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**R.N.MANJULA, J.**

*sai*

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