



W.P.No.27684 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27684 of 2023

M.S.Sundaramurthy

... Petitioner

Vs.

1.Director General of (Pers)/CSCC,
Engineer in Chief's Branch,
IHQ of MoD (Army),
Kashmir House, Rajaji Marg,
New Delhi – 110 011.

2.Principal Controller of Defence Accounts (Pensions) Allahabad,
G-1, (Civil) Pension,
Draupadi Ghat,
Allahabad, Uttar Pradesh – 211 014.

3.Head Quarters Chief Engineer EIR (PCI),
Southern Command,
Pune – 411 001.

4.Garrison Engineer,
Air Force Station,
Avadi,
Chennai – 600 055.

5.DPDO, CDA Chennai Complex,
No.618, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pay the petitioner revised pay structure of Rs.7,450-11,500 with Grade Pay of Rs.4,600/- in the Pay Band PB-2 as on 01.01.2006 and consequential benefits, by considering the petitioner's representation dated 12.02.2022.

For Petitioner : Mr.J.Titus Enock
for M/s.D.Esther Priya

For Respondents : Mr.A.Kumaraguru
Senior Panel Counsel

ORDER

This writ petition has been filed to direct the respondents to pay the petitioner revised pay structure of Rs.7,450-11,500 with Grade Pay of Rs.4,600/- in the Pay Band PB-2 as on 01.01.2006 and consequential benefits, by considering the petitioner's representation dated 12.02.2022.

2.It is the case of the petitioner that he retired from service from the respondents and is a pensioner. It is the contention of the petitioner that the Government of India granted revised pay structure of Rs.7,450-11,500 with Grade Pay of Rs.4,600/- in the Pay Band PB-2 vide Circular dated 13.11.2009. It is the contention of the petitioner that he is eligible



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for such pay revision. Hence, he submitted representation to the respondents, dated 12.02.2022, in this regard. Since the same was not considered, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner.

4. Mr. A. Kumaraguru, learned Senior Panel Counsel, who takes notice for the respondents, submits that the petitioner has not given his representation to the 4th respondent and if the petitioner submits a fresh representation to the 4th respondent, the same will be considered on its own merits.

5. In view of the submission made by the learned Senior Panel Counsel and considering the limited nature of the relief sought for in the present writ petition, the petitioner is directed to submit a fresh representation to the 4th respondent within a period of 10 days and on receipt of such representation from the petitioner, the 4th respondent shall consider the same and pass appropriate orders, on its own merits and in accordance with law, within a period of two months thereafter.



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6.With the above directions, this writ petition is disposed of. No

costs.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Director General of (Pers)/CSCC,
Engineer in Chief's Branch,
IHQ of MoD (Army),
Kashmir House, Rajaji Marg,
New Delhi – 110 011.
- 2.The Principal Controller of Defence Accounts (Pensions) Allahabad,
G-1, (Civil) Pension,
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N. SATHISH KUMAR, J.

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