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W.P.No.3632 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3632 of 2023

R.Pitchai

.. Petitioner

VS

1. The Government of Tamil Nadu

Rep. By Chief Secretary to Government
Secretariat, Chennai – 600 009.

2. The Principal Secretary to Government

Revenue Department, Secretariat, Chennai – 600 009.

3. The Additional Chief Secretary & Commissioner

of Revenue Administration
Chepauk, Chennai – 600 005.

4. The District Collector, Pudukkottai.

5. The Accountant General, Chennai – 600 018.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to grant consequential benefits to the petitioner such as pay fixation, annual increment, arrears of pay, flowing from the orders in G.O.Ms.No.275, Revenue (SER.3(2)) Department dated 25.05.2007, G.O.2D No.117, Revenue (10-2) Department dated 12.03.2009, G.O.Ms.No.390 Revenue (SER.1) Department dated 31.12.2011 and G.O.Ms.No.346 Public (Special A) Department dated 03.04.2013; directing the respondents 1 to 4 to grant interest for the delayed payment of DCRG for the period from 31.10.2013 till the date of actual payment on 23.08.2017 directing the respondents 1 to 4 to revise the pensionary benefits of the petitioner and disburse the arrear with interest all within a limited time frame.



W.P.No.3632 of 2023

WEB COPY

For Petitioner : Mr.P.Kumaravel

For Respondents 1 to 3 : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the respondents to grant consequential benefits to the petitioner, such as pay fixation, increment, arrears of pay etc., and to pay interest for the delayed payment and for revision of the pensionary benefits by considering the representation made by the petitioner on 12.03.2021.

2. The case of the petitioner is that the joined the service as an Assistant in the year 1977 in Pudukkottai District Revenue Unit. The petitioner was not included in the panel for the year 1983 for promotion to the post of Deputy Tahsildar. Aggrieved by the same, the petitioner filed O.A.No.2542 of 1991 before the Tamil Nadu Administrative Tribunal and the same was dismissed by order dated 03.02.2003. Aggrieved by the same, the petitioner filed W.P.No.29593 of 2004 before this Court. This Court, by order dated 27.10.2006, set aside the order passed by the Tribunal and directed the respondents to consider the representation



W.P.No.3632 of 2023

made by the petitioner seeking for promotion. Accordingly, the second respondent passed orders on 25.05.2007.

3. The further case of the petitioner is that the fourth respondent, through order dated 10.07.2007, issued a revised list of Deputy Tahsildars and the name of the petitioner was also included and it was placed just above the junior of the petitioner, namely one P.Ramachandran. Ultimately, G.O.Ms.No.390 dated 30.12.2011 was issued and the name of the petitioner was included in the panel of Deputy Tahsildar for the year 1994-95 on 03.04.2013. The first respondent issued orders in G.O.Ms.No.346, promoting the petitioner as District Revenue Officer with effect from 08.05.1998. At this point of time, a charge memo came to be issued against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules for the alleged irregularities committed by the petitioner while he was in service as Senior Regional Manager of Tamil Nadu Civil Supplies Corporation.

4. In the mean time, the petitioner reached the age of superannuation and the first respondent issued orders in G.O.D.No.171 dated 31.07.2013, permitting the petitioner to retire from service, but directed that disciplinary proceedings will be



W.P.No.3632 of 2023

continued under Rule 9 of the Tamil Nadu Pension Rules, 1978. The DCRG, that was payable to the petitioner, was directed to be withheld and provisional pension was sanctioned to the petitioner.

5. The disciplinary proceedings, that was initiated against the petitioner, was ultimately dropped on 24.04.2017 by the first respondent through G.O.Rt.No.82. The DCRG amount was disbursed to the petitioner in March, 2018.

6. The grievance of the petitioner is that, by virtue of dropping the disciplinary proceedings against the petitioner, he is entitled for all the consequential benefits such as pay fixation, annual increment, arrears of pay etc. The petitioner, therefore made a representation in this regard and since the same was not considered, the present writ petition has been filed before this Court.

7. Heard Mr.P.Kumaravel, learned counsel appearing for the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing for the respondents 1 to 3.



W.P.No.3632 of 2023

8. Taking into consideration the facts and circumstances of the case and also of the fact that the disciplinary proceedings initiated against the petitioner was dropped by the first respondent through impugned order dated 24.04.2017, the petitioner will be entitled to receive all the consequential benefits, as if he retired from service in the normal course. Therefore, the respondents are directed to consider the representation made by the petitioner and pass necessary orders and grant the benefits in favour of the petitioner.

9. In view of the above, there shall be a direction to the first and second respondent to consider the representation made by the petitioner on 12.03.2021 and deal with the same on its own merits and in accordance with law and after taking into consideration the fact that further action was dropped against the petitioner and final order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner has also sought for payment of interest for the delayed settlement of the DCRG. The said request made by the petitioner shall also be considered by the first and second respondents.

10. The petitioner is directed to make a fresh representation to the first and second respondents with all the relevant documents and a copy of this order.



W.P.No.3632 of 2023

WEB COPY 11. With these directions, the writ petition is disposed of. There will be no order as to costs.

Index: Yes/No
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09.02.2023

To

1. The Chief Secretary to Government
The Government of Tamil Nadu
Secretariat, Chennai – 600 009.
2. The Principal Secretary to Government
Revenue Department, Secretariat, Chennai – 600 009.
3. The Additional Chief Secretary & Commissioner
of Revenue Administration
Chepauk, Chennai – 600 005.
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WEB COPY



W.P.No.3632 of 2023

N.ANAND VENKATESH, J

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W.P.No.3632 of 2023

09.02.2023