



W.P(MD)No.13026 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13026 of 2023

P.Srinivasan

... Petitioner

Vs

The Director,
Highways Research Station,
Guindy,
Chennai – 600 025.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent i.e., the Director, Highways Research Station, Chennai to arrange to send revised pension proposals in respect of the petitioner as per G.O.Ms.No.404 Finance (Pay Cell) Department dated 12.11.2020, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.T.Villavan Kothai
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2.The petitioner retired as an Assistant Director (Highways), Regional Laboratory, Thanjavur on 31.05.2019. His grievance is that his pay was not refixed as per the recommendations of the pay grievance of the redressal committee of the year 2019. He therefore wants this Court to direct the respondent to send revised pension proposal as per G.O(Ms)No.404 Finance (Pay Cell) Department dated 12.11.2020. Notice was ordered.

3. Counter affidavit has been filed. Paragraph 3 of the said counter affidavit reads as follows:

“3. It is submitted that, the petitioner had given a representation to this office on 16.02.2022 to re-fix his pay based on the recommendations of Pay Grievance Redressal committee vide G.O(Ms)No.404/Finance (pay cell) Department, dated. 12.11.2020 and requested to send the revised pension proposal to Accountant General(A&E), Chennai-18. With respect to the above, on verification of his Service Register to re-fix his pay, it was observed that, the petitioner had acquired the Master degree(M.E) in Structural Engineering in April 2014, when he was working as Junior Engineer. But he was awarded two increments for acquiring



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Master degree(M.E) in Structural Engineering with effect from the date of joining as Assistant Divisional Engineer (i.e. 23.06.2014 F.N) vide order of Divisional Engineer (H) Construction and Maintenance, Thiruvarur. There was no specific order issued by the competent authority regarding the grant of two advance increments for acquiring the Master degree(M.E) in Structural Engineering. Instead, the two advance increments were directly mentioned in the Assistant Divisional Engineer promotion pay fixation Service register entry, with a condition that, if the pay fixed to the individual is found to be incorrect in future, then the excess amount paid is to be recovered from him.

In view of the above reasons, the Divisional Engineer (H) Construction and Maintenance, Thiruvarur had been requested vide Memo No.1028/ A1/2021/ Dated : 17.05.2022 to rectify the anomaly in the pay fixation, to proceed further. Based on this, the Divisional Engineer (H) Construction and Maintenance, Thiruvarur vide Letter No.752/ 2022/ A4/Dated : 27.01.2023 has informed that the petitioner's pay had been fixed as per Government letter no.18307/HK2/98.5/Dated. 15.04.1996, without enclosing the copy of the same. Hence, the Divisional Engineer (H), Construction and Maintenance, Thiruvarur had been requested to send a copy of the above Government letter vide memo.no.1028/A1/ 2021, Dated 17.03.2023 and reminded again on 02.06.2023 to proceed further in this regard.



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Further, the Petitioner in his letter Dated: 10.11.2022, has mentioned about his higher fixation of pay and recovery of the same. From this, it is inferred that, there is an anomaly in the fixation of pay.

Since, there is no specific order issued by the Government regarding sanction of advance increments for completion of Post graduate degree in the cadre of Junior Engineer and its promotion post, the eligibility of advance increment to the petitioner will be decided, only on receipt of copy of the above Government letter from the Divisional Engineer (H) Construction and Maintenance, Thiruvarur. At this juncture, the petitioner's pay could not be re-fixed as per Pay Grievance Redressal Committee vide G.O(Ms)No. 404/Finance (pay cell) Department, dated. 12.11.2020. Hence, the revised pension proposals could be sent to Accountant General (A&E), Chennai-18 only after refixing of his pay.”

4. I do not want to go into the merits of the matter. It cannot be in dispute that the petitioner's pension has to be necessarily revised. The only question is how much more the petitioner should be paid. The respondent shall take into account all the relevant materials on record after issuing notice to the petitioner and send revised pension proposals. The entire exercise shall be



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completed by the respondent within a period of ten weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.

30.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Director,
Highways Research Station,
Guindy,
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G.R.SWAMINATHAN, J.

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