



W.P.(MD)No.15160 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15160 of 2020

R.Jayapal

... Petitioner

Vs.

1.The Accountant General (A & E),
No.361, Anna Salai,
Chennai – 18.

2.The Deputy Director of Health Services,
Tuticorin.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned communication No.P19/11917715/ADK, dated 18.09.2020 on the file of the first respondent and quash the same and grant revised such other pension benefits as per G.O.Ms.No.14, dated 25.04.2018 payable to the petitioner.

For Petitioner

: Mr.S.Siva Thilakar

For R-1

: Mr.P.Gunasekaran

For R-2

: Mr. K.Christy Theboral,
Additional Government Pleader



W.P.(MD)No.15160 of 2020

WEB COPY

ORDER

This writ petition has been filed to quash impugned communication No.P19/11917715/ADK, dated 18.09.2020 issued by the first respondent and grant revised such other pension benefits as per G.O.Ms.No.140, dated 25.04.2018 payable to the petitioner.

2. The case of the petitioner is that the petitioner retired from Government service under Voluntary Retirement Scheme on 30.06.2000 after rendering 33 years 6 months of service in the second respondent Department as Block Health Supervisor. The grievance of the petitioner is that he retired from service on 30.06.2000 and he is entitle to yearly increment of salary from 01.07.2000 in terms of G.O.Ms.No.140 Finance Pay Cell Department, dated 25.04.2018. Hence, he made a request to revise his pension. Pursuant to the same, the revised pension proposal was forwarded by the second respondent to the first respondent by granting notional increment in terms of G.O.Ms.No.140 Finance Pay Cell Department, dated 25.04.2018. The said proposal was initially accepted by the first respondent and subsequently, the first respondent cancelled



W.P.(MD)No.15160 of 2020

the same and returned the proposal vide the impugned communication stating that G.O.Ms.No.140, is meant for the persons who retired on superannuation and the same is not applicable to the petitioner and issued directions to send back the proposal after correcting the discrepancies. Challenging the same the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the second respondent is directed to send back the revised pension proposal as per the eligible benefit within a specified period and on such receipt, the first respondent may be directed to consider the same and pass appropriate orders, as expeditiously as possible.

4. The learned standing counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent, has no serious objection for such an order being passed by this Court.



W.P.(MD)No.15160 of 2020

WEB COPY

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to send back the pension proposal of the petitioner after correcting the discrepancies mentioned by the first respondent, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the revised pension proposal and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

PM

NCS:Yes/No

Index:Yes/No

Internet:Yes/No

4/5



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W.P.(MD)No.15160 of 2020

M.DHANDAPANI,J.

pm

W.P.(MD)No.15160 of 2020

02.02.2023