



W.P(MD)No.14742 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14742 of 2020

S.Gnanamuthu

... Petitioner

Vs.

1.Office of the Accountant General
(Accounts & Entitlements)
Tamil Nadu
No.361, Anna Salai,
Chennai 600 018.

2.The Director of School Education,
Perasiriyar Anbalagan Vazhagam,
Chennai.

3.The Headmaster,
Higher Secondary School, Mudukulathur,
Ramanathapuram District.
(2nd and 3rd respondents are suo motu
impleaded by this Court)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in P.10/I/AG Complaint-1755/19-20/337-84772 dated 14.2.2020 quash the same and consequently direct the respondent herein to pay Rs.12,222/- already fixed on par with his juniors from 31.12.1999 in G.O.(2.P) No.69 dated 26.11.2010 with



W.P(MD)No.14742 of 2020

arrears thereon fix the Grade pay of Rs.5700/- on par with his junior in the post of Special Grade Primary School Head Master and revise the present pension accordingly.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.R.Saravana Kumar
Standing Counsel for R1

: Mr.N.Satheesh Kumar
Additional Government Pleader for R2 & R3

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the Accountant General and the learned Additional Government Pleader for R2 & R3.

2. The petitioner joined the education department as secondary grade teacher. He retired as Tamil Pandit on 31.05.2007. The petitioner felt aggrieved by the pensionary fixation. According to him, the respondent erroneously fixed his pension at Rs.10,916/-. The petitioner demanded that his pension should be revised as Rs.12,222/- on par with his juniors. Since the request was negatived by the respondent, the present writ petition came to be filed.



W.P(MD)No.14742 of 2020

WEB COPY

3. After carefully considering the contention advanced on both sides, I am satisfied that the issue has not been approached by the petitioner in proper perspective. It is beyond dispute that one's pension is fixed with reference to the last drawn pay. The petitioner's last drawn pay was Rs.21,870/-. The petitioner's case is that his last drawn pay should have been fixed as Rs.26,060/-. The Headmaster of the Government Higher Secondary Grade, Mudhukulathur, Ramnad District in fact sent a proposal in this regard. But the accountant general cannot re-fix the last drawn pay, even if it was erroneously done. It is only the Government that can do. After such re-fixation of the petitioner's last drawn pay, the petitioner's pension can be revised. This exercise was not undertaken in this case. I am therefore not in a position to fault the respondent. The Writ Petition is disposed of in the following terms:-

(i) The Headmaster, Higher Secondary School, Mudukulathur Ramnad District is directed to send a proposal regarding re-fixation of the petitioner's pay to the Director of School Education within a period of ten days from the date of receipt of a copy of this order.

(ii) The Director of School Education is directed to consider the same and if satisfied with the proposal, forward the same to the Government for passing appropriate orders.



W.P(MD)No.14742 of 2020

(iii) The Secretary to Government, School Education Department, Government of Tamil Nadu shall pass final order thereon within a period of eight weeks after receipt of the proposal from the Director of School Education.

(iv) Based on the order to be passed by the Government, the respondent shall pass an appropriate order. If the proposal in favour of the petitioner is accepted by the Government, the petitioner will also be entitled to arrears as well as re-fixation of the pension.

(v) The entire exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

No costs.

08.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

NOTE: Issue Order Copy on 11.09.2023

To

1. The Director of School Education,
Perasiriyar Anbalagan Vazhagam,
Chennai.
2. The Headmaster,
Higher Secondary School, Mudukulathur,
Ramanathapuram District.



WEB COPY



W.P(MD)No.14742 of 2020

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.14742 of 2020

08.09.2023