



W.P.(MD)No.7255 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7255 of 2018

M.Muthulakshmi

... Petitioner

Vs.

The Principal Accountant General,
Accountant General Office,
No.361, Anna Salai,
Chennai.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamaus calling for the records pertaining to the order passed by the respondent in letter No.AG(A&E) Legal Cell/W.P(MD)No.6862/2017-17-18 dated 10.07.2017 and quash the same as illegal and direct the respondent to sanction the revised pension to the petitioner's husband late Thiru Selvarajan in accordance with pay last drawn and also revise the family pension of the petitioner by considering the petitioner's representation, dated 05.09.2017.

For Petitioner	: Mr.K.Baalasundharam
For Respondents	: Mr.P.Gunasekaran



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ORDER

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This writ petition has been filed to quash the order passed by the respondent in letter No.AG(A&E) Legal Cell/W.P(MD)No. 6862/2017-17-18, dated 10.07.2017 and to direct the respondent to sanction the revised pension to the petitioner's husband late. Thiru Selvarajan in accordance with the pay last drawn by him and also revise the family pension of the petitioner by considering the petitioner's representation, dated 05.09.2017.

2. The learned counsel appearing for the petitioner would submit that the husband of the petitioner was appointed as Elementary School Teacher in the year 1979 and thereafter, promoted as Headmaster. Subsequently, he was reverted to the post of Elementary School Teacher. Consequently, his pay was also reduced. Aggrieved by the same, the husband of the petitioner filed W.P(MD)No.3509 of 2005, wherein this Court vide order dated 21.12.2006, directed to consider the representation, dated 28.02.2004. Subsequently, the Additional Assistant Elementary Education Officer issued proceedings, dated 29.03.2012,



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re-fixing the earlier scale of pay and subsequently, he attained the age of superannuation on 31.05.2010 and thereafter, he died on 18.06.2016. However, the respondent without considering the amended proposal, informed the Additional Assistant Elementary Education Officer that the Government is the competent authority to relax the Rule position. Hence, the petitioner filed a writ petition in W.P(MD)No.6862 of 2017 wherein this Court vide order, dated 17.04.2017, directed the respondent to consider the representation and pass orders on merits. Pursuant to the said order, the respondent has passed the impugned order rejecting the request of the petitioner which is not sustainable and hence, prays for allowing of this writ petition.

3. Per contra, the learned standing counsel appearing for the respondent would submit that the husband of the petitioner initially entered the services as Secondary Grade Assistant in the year 1979. Subsequently, in the year 1983, he was promoted as Primary School Headmaster. In that post, he was awarded Selection Grade in the year 1989 and Special Grade in the year 1999. In the year 2004, he was



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reverted to the post of Secondary Grade Assistant(Special Grade) and he worked in that place till his retirement and after retirement, he received the pension and all monetary benefits and thereafter, the petitioner also received family pension and after lapse of a decade, the petitioner made a representation to re-fix the pay of his husband, which is not sustainable one and hence, prays for dismissal of this writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Admittedly, the petitioner was reverted to the post of Secondary Grade Assistant in the year 2004. However, the husband of the petitioner did not challenge the said reversion order. Further, after retirement, he received pension and after his death, the petitioner also received family pension. Therefore, without challenging the reversion order and after receiving pension, after lapse of a decade, the request made by the petitioner is not maintainable and therefore, the request of the petitioner has been rightly rejected by the respondent, which does not



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warrant interference by this Court and therefore, the writ petition is liable to be dismissed.

6. In the result, this writ petition is dismissed. No Costs.

16.02.2023

PM
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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M.DHANDAPANI, J.

pm

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