



W.P.(MD).No.17108 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17108 of 2023

G.M.Govindharajan

... Petitioner

Vs.

- 1.The Director General of Border Roads,
Seema Sadak Bhawan,
Ring Road, Delhi Cantt,
New Delhi-10.
- 2.The Chief Engineer,
HQ CE (P) Shivalik,
Pin 931 718,
C/o.56 APO.
- 3.The Commanding Officer,
72, Road Construction Company,
C/o.56 APO,
Pin 931 718.
- 4.The Officer Commanding,
402, RMPL GREF C/o.56 APO,
Care 72, Road Construction Company,
GREF C/o.56 APO.
- 5.The Principal Controller of Defense Accounts Officer (PCDA),
O/o. The Principal Controller of Defense (PCDA) (Pension),
Draupadighat, Allahabad,
Uttar Pradesh State-211 014.



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6.The Branch Manager,
Canara Bank,
Aduthurai Branch,
Aduthurai,
Kumbakonam Taluk,
Thanjavur District-621 101. 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 pertaining to the impugned order passed by the 4th respondent / the officer commanding, dated 22.10.2022, quash the same as illegal, arbitrary and consequently direct the respondents 1 to 5 to revise the petitioner's pay fixation as per 3rd Pay Commission Revised Pay Rules 1973 and further more direct the respondents to pay all the arrears of financial benefits from 01.01.1973 with 12% interest to the petitioner within the time frame as may be fixed by this Court.

For Petitioner : M/s.C.Kayalvizhi
For R1- R5 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R6 : Mr.N.Dilip Kumar

ORDER

The present writ petition has been filed to call for the records pertaining to the impugned order passed by the 4th respondent / the officer commanding, dated 22.10.2022, quash the same as illegal, arbitrary and consequently direct



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the respondents 1 to 5 to revise the petitioner's pay fixation as per 3rd Pay Commission Revised Pay Rules 1973 and further more direct the respondents to pay all the arrears of financial benefits from 01.01.1973 with 12% interest to the petitioner within the time frame as may be fixed by this Court.

2. A representation was made by the petitioner on 31.01.1986 to the respondents. That representation was considered and a rejection order was passed on 08.02.1986 as follows:

“With reference to your representation, dated 31 Jan 1986, it is to inform you that you are not eligible for selection grade in the trade of Sub Overseer. However, Mason who are not SC/ST have been recommended for selection grade wef 01 May 1961 by GREF Records. As you were appointed as Mason on 01 Dec. 1961, your name has not been considered for selection grade as Mason.

2. All dues which are entitled to you have been paid except Rs.212.40 (Rupees Two Hundred Twelve and Paise Forty only) on account of encashment of 9 days at the time of retirement. The case is presently with audit authorities being time barred. Payment of the same will be made to you as and when passed for payment”



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3. Thereafter, the petitioner made a fresh representation for the same issue on 05.08.2013 and that was also considered. Once again, the rejection order came to be passed on 22.10.2022. Challenging the same, this petition came to be filed.

4. Since the matter is settled vide order passed by the competent authority as early as on 08.02.1986, the petitioner did not challenge the same and having preferred not to challenge the said order, now once again the petitioner made this representation, against which a reasoned and elaborate order has been passed by the competent authorities.

5. In view of the same, this writ petition is not maintainable and the same is dismissed. No costs.

17.07.2023

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

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L.VICTORIA GOWRI, J.

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