



W.P.(MD).No.15686 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15686 of 2018

A.Joseph

... Petitioner

Vs.

1.The Principal Accountant General (A&E),
361, Anna Salai,
Chennai – 600 018.

2.The District Educational Officer,
Devakottai,
Sivagangai District.

3.The Secretary,
N.S.M.V.P.S.Higher Secondary School,
Devakottai,
Sivagangai District.

4.The Secretary to Government,
Finance (Pension) Department,
Fort St.George,
Secretariat,
Chennai – 600 009.

... Respondents

(R-4 is suo motu impleaded by this Court vide order dated 16.06.2023 in W.P.(MD).No.15686 of 2018)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 10.11.2017 in No.P24 / 3 / 12415799 / ADK and quash the same and consequently directing the first respondent to grant revised pension as per G.O.Ms.No.45, dated 10.02.2011 by considering the representation of the petitioner dated 29.11.2017 and reminder dated 08.02.2018.

For Petitioner : Mr.J.Anandkumar

For R-1 : Mr.P.Gunasekaran,
Standing Counsel.

For R-2 and R-4 : Mr.V.Omprakash,
Government Advocate.

For R-3 : No Appearance

ORDER

This Writ Petition is filed to quash the impugned order dated 10.11.2017 with a consequential relief to grant revised pension as per G.O.Ms.No.45, dated 10.02.2011 by considering the representation of the petitioner dated 29.11.2017 and reminder dated 08.02.2018.



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2. The petitioner is seeking to revise the pay as per G.O.Ms.No.45 dated 10.02.2011 and G.O.Ms.No.63 dated 26.02.2011. The learned counsel appearing for the petitioner further submitted that in G.O.Ms.No.63, it is stated that the common cadre post can be granted revised pay. However, the learned counsel appearing for the 1st respondent submitted that the petitioner has served in the post of Librarian and the G.O.Ms.No.45 is addressing only to categories of Typist / Steno Typist and Junior Assistant. Therefore, the post of Librarian is not covered in the present G.O. But the learned counsel appearing for the petitioner refuted the said contention by citing G.O.Ms.No.63 addresses the post as the common post and the post of Librarian is also included.

3. Therefore, this Court is of the considered opinion that since the first respondent is not appropriate authority to clarify the same, this Court is *suo motu* impleading the Principal Secretary of Pension Department, Fort St. George, Secretariat, Chennai – 600 009 as one of the parties in the present Writ Petition. The Principal Secretary of Finance Department shall consider whether the petitioner is coming within the purview of G.O.Ms.No.45 and G.O.Ms.No. 63. The said consideration shall be completed within a period of twelve (12)



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weeks from the date of receipt of a copy of this order. The impugned order is kept in abeyance. The petitioner's right will be decided based on the decision of the Principal Secretary to Government, Finance Department. If the authority is coming to the conclusion that the G.O is applicable to the petitioner, then consequently, the benefits shall be granted. If the authority is coming to the conclusion that the petitioner is not entitled to, then speaking order shall be passed.

4. With the above direction, this Writ Petition is disposed of. No costs.

16.06.2023

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



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S.SRIMATHY, J.

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