IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.853 of 2024

P.Rajendran ...Petitioner

-Vs-

1.The Commissioner of Commercial Taxes,
Chepauk, Chennai – 600 005.

2.The Joint Commissioner (ST),
Chennai (Central) Division,
Chennai – 600 006.

3.The Deputy Commissioner (ST)(FAC),
Zone – IV, Chennai – 600 006.

4.The Assistant Commissioner (ST),
Choolai Assessment Circle,
Chennai – 600 006.

5.The Principal Accountant General (A&E) Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to consider the representations of the petitioner dated 04.05.2023 and 09.10.2023 and grant orders of the Administrative Department as per G.O.Ms.No.2024, Revenue Department, dated 15.05.1974 as directed by the 5th respondent for revising the pension of the petitioner with effect from 01.12.2017.

For Petitioner	: Mr.K.Magesh
For R1 to R4	: Mrs.K.Vasanthamala Government Advocate (Taxes)
For R5	: Mrs.Hema Murali Krishnan Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents 1 to 4 to consider the representations of the petitioner dated 04.05.2023 and 09.10.2023 and grant orders of the Administrative Department as per G.O.Ms.No.2024, Revenue Department, dated 15.05.1974 as directed by the 5th respondent for revising the pension of the petitioner with effect from 01.12.2017.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was temporarily appointed as Junior Assistant under Rule 10 (1)(a)(i) to the office of the Tamil Nadu Public Service Commission on

20.09.1982. As per G.O.Ms.No.996 P and AR (Placements) Department, dated 22.09.1984, his service was regularized in the cadre of Junior Assistant with effect from 25.06.1984. After completion of his probation period, he was ousted from Tamil Nadu Public Service Commission for want of vacancy and relieved on 31.10.1987. Once again, he was ousted from the Tamil Nadu Civil Supplies department and re-allotted to the Commercial Taxes Department and referred to the Deputy Commissioner (CT), Zone-VI for posting. He was posted as Junior Assistant and joined duty on 05.12.1988. The break-in services were also condoned by the proceedings dated 25.03.1989, on the file of the Assistant Commissioner (CT), Zone-VI. Thereafter, he was promoted as Assistant on 30.12.1993 and subsequently moved to Selection Grade Assistant with effect from 08.02.2004. Thereafter, he was promoted as Deputy Commercial Tax Officer and joined duty on 27.01.2014 in the office of the fourth respondent and retired from service on 30.11.2017.

4. As per G.O.Ms.No.2024, Revenue Department, dated 15.05.1974 issued orders to relax the rules of repatriates appointed to various categories in public services could be made effective from the date of their original appointment in such a course and given direction to all the Administrative

Departments to review all orders issued by them by relaxing the rules in favour of the repatriates shall be eligible for drawing increments, arrears of pay etc., from the date of their original appointments. However, their service has to be regularized from the date of his appointment as Junior Assistant on 20.09.1982 instead of 26.05.1984. A direction was issued by this Court to the authorities to regularize the services in the cadre of Junior Assistant from the date of their appointments without monetary benefits. Accordingly, his service was regularized by an order dated 03.03.2022 from his initial date of appointment viz., 20.09.1982 and revised the subsequent annual increments, re-fixation of pay in all the promotion cadres till his retirement. Thereafter, the fourth respondent by its proceedings had sent the revised pay scales to the fifth respondent to re-fix the pension benefits with effect from 01.12.2017. However, it was returned by the fifth respondent for the reasons to furnish the above referred Government Order. Again the fourth respondent resubmitted the papers with relevant Government Order as requested by the fifth respondent. However, the fifth respondent, without revising the pension of the petitioner, raised queries and returned the papers seeking the order of the Administrative Department of the first respondent as per the Government Order.

5. In view of the above facts and circumstances of the case, the first respondent is directed to pass appropriate administrative order as per G.O.Ms.No.2024, Revenue Department, dated 15.05.1974 for re-fixation of the petitioner's pensionary benefits with effect from 01.12.2017, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

12.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J,

mn

To

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Chennai – 600 006.

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