



WEB COPY



W.P.No.24438 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24438 of 2015 and
M.P.No.1 of 2015

1.R.Amirthalingam
2.K.V.Thangavelu

... Petitioners

Vs

1.The State of Tamil Nadu,
represented by its Principal Secretary
to Government,
Finance (PGC) Department,
Fort St.George, Chennai 9.

2.The Director of Treasuries and Accounts
Panagal Building, Saidapet,
Chennai 15.

3.The Principal Accountant General, (A&E)
Tamilnadu
261 Anna Salai Teynampet
Chennai 600 018.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in G.O.Ms.No.363 Finance (PGC) Department dated 23.08.2013 and quash the same in so far as



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it denies the benefit of conversion of dearness allowance as dearness pay on retirement for those who retired on or after 01.01.1996 and direct the respondents to convert the dearness allowance as dearness pay with effect from the date of retirement of the petitioners on 30.04.1996 and 31.03.2001 respectively and calculate the revised pension and grant them all consequential benefits.

For Petitioners : Ms.T.Divya for
M/S.S.Selvathirumurugan

For Respondents : Mr.S.Rajesh,
Government Advocate for R1 and R2

ORDER

The instant writ petition has been filed to quash the G.O.Ms.No.363 Finance (PGC) Department dated 23.08.2013.

2. On perusal of the typed-set, it appears that the petitioners have already sent representations dated 29.06.2015 and 23.07.2015 to the respondents, however, no order has been passed. The learned counsel for the petitioners having filed the writ petition to quash the G.O.Ms.No.363, at this length of time, instead of going into the merits, now prays for a restricted relief of direction to the respondents to consider the representations. Therefore, this Court is of the view that it is appropriate to direct the



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respondents to consider the representations of the petitioners.

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3. Since the petitioners seek limited relief, without going into the merits of the matter, a direction is issued to the respondents to consider either the representations which were already given by the petitioner dated 29.06.2015 and 23.07.2015 or any other new representations in accordance with law and on its own merit. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. In the result, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
shk



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C.KUMARAPPAN, J.

shk

To:

- 1.The Principal Secretary
to Government,
Finance (PGC) Department,
Fort St.George, Chennai 9.
- 2.The Director of Treasuries and Accounts
Panagal Building, Saidapet,
Chennai 15.
- 3.The Principal Accountant General, (A&E)
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