



W.P.No.9806 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9806 of 2015
and W.M.P.No.31282 of 2016

I.Ganesan

... Petitioner

-VS-

- 1.State of Tamil Nadu represented by the
Secretary to Government,
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009.
- 2.State of Tamil Nadu represented by the
Secretary to Government,
Home (Prison.1) Department
Fort St. George, Chennai 600 009.
- 3.The Superintendent of Prisons,
Central Prison,
Salem.
- 4.The Principal Accountant General
(Accounts and Entitlements), Teynampet,
Chennai 600 018.
- 5.The Treasury Officer, District Treasury,
Salem.



W.P.No.9806 of 2015

6.Thiru M.Elangovan,
Retired Ist Grade Warder
Sub Jail, Bhavani.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 3rd respondent herein namely the Superintendent of Prisons, Central Prison, Salem, bearing No.CC1/9693/2014 dated 02.03.2015 rejecting the request of the petitioner for re-fixing the pay once again as there is no provision under the rules quash the same and to consequently direct the respondents herein to revise and re-fix the pay of the petitioner in the post of Assistant Jailor with effect from 01.07.2009 as has been extended to Thiru M.Elangovan, Grade I Warder, Retired and by re-fixing his pension at Rs.16830/- and to direct the 4th respondent herein namely the Principal Accountant General (Accounts and Entitlements), Teynampet, Chennai 600 018, to issue necessary authorization for revised pensionary benefits like D.C.R.G., Commutation, Pension and Family Pension and other retiral benefits



W.P.No.9806 of 2015

and pay the arrears arising out of such re-fixation of pension within a short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.T.Thirumoorthy

For Respondents : Mr.K.H.Ravikumar,
1 to 3, 5 Government Advocate (Edn.)

For Respondent 4 : Ms.Hema Muralikrishnan

ORDER

This writ petition has been filed questioning the proceedings No.CC1/9693/2014 dated 02.03.2015 issued by the 3rd respondent in response to a representation dated 01.09.2014 submitted by the petitioner under the Right to Information Act (RTI Act) seeking to furnish certain information.

2. From the perusal of material on record, it is noticed that an identical claim as is made by the petitioner in the present writ petition was also submitted to the 4th respondent by the 3rd respondent in the year 2012-13 and the said proposal was returned by



W.P.No.9806 of 2015

the Office of the 4th respondent through Letter No. Pen 23/V/22305333/TN/12-13/Final Reply dated 24.01.2013 furnishing the reason, for which, the petitioner was not entitled for revision of his pay. A copy of the said letter is also marked to the petitioner but for the reason best known to the petitioner without taking any action against the said letter dated 24.01.2013, once again he had submitted a representation under RTI Act, and the said information is furnished to the petitioner through the impugned letter. As the proposal submitted by the 4th respondent was already returned on various grounds, the prayer sought for by the petitioner in the present writ petition cannot be entertained, in the absence of challenge to the letter dated 24.01.2013.

3. This Court is not inclined to examine the matter on merits, especially, in the context and the fact that the said letter dated 24.01.2013 attain finality. In the light of the above, this Court does not find any merits in this writ petition.



W.P.No.9806 of 2015

4. Accordingly, this writ petition is dismissed on the above terms, leaving it open to the petitioner to take appropriate steps against the letter dated 24.01.2013 issued by the 4th respondent. No costs. Consequently, the connected W.M.P.No.31282 of 2016 is closed.

05.12.2024

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

- 1.The Secretary to Government,
Finance (Pay Cell) Department, Fort St. George, Chennai 600 009.
- 2.The Secretary to Government,
Home (Prison.1) Department, Fort St. George, Chennai 600 009.
- 3.The Superintendent of Prisons,
Central Prison, Salem.
- 4.The Principal Accountant General
(Accounts and Entitlements), Teynampet,
Chennai 600 018.
- 5.The Treasury Officer, District Treasury,

5/6



Salem.

WEB COPY



W.P.No.9806 of 2015

MUMMINENI SUDHEER KUMAR,J.

rna

W.P.No.9806 of 2015
and W.M.P.No.31282 of 2016

05.12.2024