



W.P. No.9965 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.9965 of 2015

G.R.Thirumal

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. By the Director,
Adi-Dravidar and Tribal Welfare Department,
Chepauk, Chennai-600005.
- 2.The District Adi-Dravidar and
Tribal Welfare Officer, Vellore District, Vellore.
- 3.Union of India,
Rep. By the Accounts Officer/Pen.9,
O/o. The Accountant General,
(Accounts & Entitlements),Anna Salai, Chennai,
Tamil Nadu.

... 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 of the 3rd Respondent which is made in Pr.AG (A&E)/ PEN 9/IV/3090440/RN/14-15/ADK signed dated 18.09.2014 and quash the same consequent to direct the 3rd Respondent to approve the revised pension proposal sent by the 2nd Respondent vide her letter made in Na.Ka.K3/607/2014 dated 13.03.2014 and Na.Ka.K3/607/2014 dated 04.04.2014 and thereby further direct the 3rd Respondent to sanction the



W.P. No.9965 of 2015

revised pension to the petitioner and to pay the pension accordingly and also to pay the arrears of pension to the petitioner.

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For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.Abishek Murthy
Government Advocate (for R1, R2)

Mr.V.Vijayshankar
Standing Counsel (for R3)

ORDER

The present writ petition is filed challenging the impugned order dated 18.09.2014 insofar the 3rd respondent found that the petitioner was working as Middle School Headmaster only with effect from 12.06.1989 and thus Selection Grade in Middle School Headmaster is admissible only with effect from the said date.

2. It is submitted by the learned counsel for the petitioner that prior to 01.06.1988 the pay of BT Hostel Warden, Middle School Headmaster and BT Assistant were identical. Therefore, the service rendered in such cadres have to be taken into account for grant of Selection Grade Pay Scale. Since, the petitioner had rendered more than 10 years of service in such cadres prior to 01.06.1988. The petitioner was entitled for grant of Selection Grade



W.P. No.9965 of 2015

Pay as recommended by the 2nd respondent vide proceedings dated

13.03.2014 and 04.04.2014. However, the 3rd respondent vide impugned

order dated 18.09.2014 had observed that the petitioner was working as a

Middle School Headmaster only with effect from 12.06.1989 and thus

Selection Grade is admissible only with effect from the said date whereas the

Selection Grade has been erroneously given from 01.06.1988 when the

petitioner was not working as Middle School Headmaster and thus directed

the 2nd respondent to re-examine the pay up to the pay of retirement and

revise accordingly. The learned counsel for the petitioner would submit that

the 3rd respondent has passed the impugned order rejecting the

recommendation of the 2nd respondent without considering the relevant G.Os

and granting the petitioner Selection Grade with effect from 01.06.1985

without even being heard.

3. The learned counsel for the 2nd and 3rd Respondent would submit

that the petitioner would be put to notice and now be heard and fresh orders

would be passed in accordance with law. The suggestion was accepted by

the learned counsel for the petitioner.



W.P. No.9965 of 2015

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4. In view thereof, the writ petition stands disposed of directing the appropriate Respondent to issue notice to the petitioner within a period of 4 weeks from the date of receipt of a copy of this order. The petitioner may then submit its response within a period of 4 weeks thereafter. The concerned/ appropriate Respondent would thereafter pass orders in accordance with law within a period of 8 weeks from the date of receipt of the petitioner's response (or) on expiry of 4 weeks granted to the petitioner to submit his explanation/ response to the notice. No costs.

18.07.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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W.P. No.9965 of 2015

To:

- 1.The Director,
Adi-Dravidar and Tribal Welfare Department,
Chepauk, Chennai-600005.
- 2.The District Adi-Dravidar and
Tribal Welfare Officer, Vellore District, Vellore.
- 3.The Accounts Officer/Pen.9,
O/o. The Accountant General,
(Accounts & Entitlements),Anna Salai, Chennai,
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W.P. No.9965 of 2015

MOHAMMED SHAFFIQ, J.

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W.P. No.9965 of 2015

18.07.2024