



W.P.No.16591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM :
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
W.P.No.16591 of 2024

K.Pandari .. Petitioner
Vs.
1. The State of Tamil Nadu
Rep. by the Secretary to Government
School Education Department
Fort St. George, Chennai – 600 009.
2. The Chief Educational Officer
Villupuram.
3. The District Educational Officer
Gingee, Villupuram District
Pin 604 202.
4. The Accountant – General (A&E)
Tamil Nadu, No.361, Anna Salai
Chennai – 600 018. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records of the fourth respondent relating to Letter No.P11/3/11129402/ADK dated 23.09.2022 and to quash the same and to issue consequential directions to the fourth respondent to consider afresh the proposals for revision of pension to the petitioner in the light of Para 10(i) of G.O.Ms.No.90, School Education (SE3(i)) Department dated 09.05.2018.



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For the Petitioner : Mr.A.R.Suresh

For the Respondents : Mrs.S.Mythereye Chandru
Special Government Pleader
for R1 to R3

Ms.Hema Muralikrishnan
for R4

ORDER

The writ petition is filed challenging the communication dated 23.09.2022.

2. A perusal of the impugned communication, it is an audit objection, taking objections for conferment of Selection Grade and consequentially allowing the Grade Pay as Rs.5,400/-. It seems to be the contention of the Accountant General that the last drawn Grade Pay should be calculated only at the rate of Rs.4,800/-.

3. *Mr.A.R.Suresh*, learned counsel appearing on behalf of the petitioner submits that the Grade Pay of Rs.5,400/- has been rightly given and the pension is being paid only calculating at that rate.



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4. When the matter came up for admission, *Ms.Hema Muralikrishnan*, learned counsel appearing on behalf of the fourth respondent would submit that it is the objection of the fourth respondent, which is forwarded to the other respondents. It is for the said authority to take up the matter further and pass orders.

5. *Mrs.S.Mythereye Chandru*, learned Special Government Pleader, taking notice on behalf of the respondents 1 to 3, would submit that based on the said objections, due show-cause notice would be issued and after hearing the petitioner, a decision would be taken. It is also submitted that even as on date, the pension which is paid, is only by considering the grade pay at the rate of Rs.4,800/-.

6. I have considered the rival submissions made on either side and have perused the material records of the case.



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7. According to the learned counsel for the petitioner, that he is receiving pension at a particular rate and according to the learned counsel appearing on behalf of the fourth respondent, already, the said rate is calculated only at the rate of Rs.4,800/-. The only question that is to be decided by this Court is that as on date of superannuation, the petitioner was already receiving Grade Pay at the rate of Rs.5,400/- as his last drawn pay. If it is to be reduced, the same cannot be done without hearing the petitioner and without affording the opportunity to the petitioner.

8. In view thereof, even though the objections of the fourth respondent are said to be implemented as from the year 2022 onwards, still the same cannot be continued without passing proper orders by giving an opportunity to the petitioner. Therefore, this writ petition is disposed of on the following terms:

- i. The respondents 1 to 3 shall apply their mind to the objections raised by the respondent 4. If respondents 1 to 3 are of the view that the objections raised by respondent 4 is correct, then



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they shall issue show-cause notice to the petitioner and give an opportunity of hearing to the petitioner. Thereafter, they shall consider the objections that may be raised by the petitioner objectively and pass fresh orders; and

ii. If the orders passed is in favour of the petitioner, then, the amount of pension shall be revised with effect from the date in which it was lowered and all the arrears shall be paid to the petitioner.

There shall be no order as to costs. Consequently, W.M.P.No.18199 of 2024 is closed.

25.06.2024

Index : Yes/No

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D.BHARATHA CHAKRAVARTHY,J.

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