



W.P.No.18965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18965 of 2024

K.Nagarasu

... Petitioner

Vs

1. The Principal Secretary to Government,
State of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Registrar (Housing),
Co-operative Societies,
TNCH Federation Campus,
II Floor, No. 48, Ritherdon Road,
Vepery, Chennai – 600 007.
3. The Deputy Registrar (Housing),
Chinthamani Co-operative Super Market Campus,
Brookbond Road,
R.S.Puram,
Coimbatore – 641 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to calculate benefits as per 7th pay commission in the light of G.O. Ms. No. 313 dated 25.10.2017 issued by finance (pay cell) department by disposing of



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the petitioner's representation dated 17.04.2024 within such time as may be stipulated by this Court.

For Petitioner : Ms. V.Ranjitha

For Respondents : Mrs. P.Vijaya Devi,
Government Advocate

O R D E R

The Writ Petition has been filed to direct the third respondent to calculate the benefits of the petitioner as per the 7th Pay Commission in the light of G.O. Ms. No. 313, dated 25.10.2017, issued by the Finance (Pay Cell) Department.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner had joined Government service with the third respondent as a Senior Inspector Trainee during the year 1979. Thereafter, the petitioner was regularized and promoted to the post of Co-operative Sub Registrar, and subsequently to the post of Deputy Registrar. While that



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being so, the petitioner was placed under suspension by order dated 22.10.2009. Therefore, the petitioner was not permitted to retire from service on the date of his superannuation, i.e., 31.01.2017. Hence, the petitioner approached this Court in W.P. No. 24921 of 2019, challenging the order of rejection and seeking retirement benefits such as encashment of earned leave, unearned leave on private affairs, and special provident fund. This Court allowed the said Writ Petition by order dated 30.09.2019, directing the respondents to pay the encashment of earned leave, unearned leave on private affairs, and special provident fund, within a period of four weeks from the date of receipt of a copy of that order. The amount was calculated as per the sixth pay commission, and the petitioner was paid accordingly.

4. Now, the petitioner submitted a representation seeking benefits under the 7th Pay Commission on the ground that, though the petitioner was suspended from service during that period, the petitioner has been receiving subsistence allowance till date. The petitioner is facing prosecution under the Prevention of Corruption Act. Therefore, the request sought for in this



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Writ Petition cannot be considered, and the Writ Petition is devoid of merits.

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5. In the result, this Writ Petition is dismissed. However, the petitioner is at liberty to submit a fresh representation, subject to the outcome of the criminal case. No costs.

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Index: Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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