



W.P.No.26645 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26645 of 2021

J.Fernandez

...

Petitioner

/vs/

1. The Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Technical Education,
Guindy,
Chennai – 600 025.

3. The Sub-Treasury Officer,
Kalkulam Sub-Treasury,
Nagercoil.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the first respondent to pass appropriate orders on the representation of the petitioner dated 21.09.2020 requesting for Interest on the belated payment of Revision of Pay, based on the Revised AICTE Scale of Pay of VI Pay Commission, from 01.04.2010



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to 30.09.2019 and consequently the Pensionary benefits, in the light of the orders of the Hon'ble Supreme Court in the case of S.K.Dua Vs. Union of India, within a reasonable period as fixed by this Court.

For Petitioners ... Mr.T.Ranganathan

For Respondents ... Mr.K.Surendran
Additional Govt. Pleader for R1 to R3

ORDER

The petitioner has filed this Writ Petition seeking interest on the belated payment of revised pension disbursed to him on 14.10.2019 for the period from 01.04.2010 to 30.09.2019.

2. Mr.T.Ranganathan, the learned counsel for the petitioner, submitted that the petitioner got retired from service on superannuation on 31.03.2010; the petitioner's pay got revised in terms of AICTE (All India Council for Technical Education) norms basing on the VI Pay Commission; there is a difference in the pensionary benefit that has been paid to the petitioner and that too with an inordinate delay of nine years; only because of that the petitioner claims interest over the same.



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3. Mr.K.Surendran, the learned Additional Government Pleader, submitted that the petitioner was allowed to retire from service on attaining his superannuation on 31.03.2010 without prejudice to the disciplinary action initiated against him under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rule vide G.O.(1D) No.73, Higher Education (I2) Department, dated 31.03.2010; what is sanctioned to the petitioner was only a Provisional Pension at the rate of Rs.12,465/- per month from the date next to his retirement in pursuant to Rule 55, 60, 69, 71(2) of the Tamil Nadu Pension Rules, 1978; the proceedings have been issued in this regard in CTE's Proceeding No.47021/S4/2009 dated 01.12.2011; so far as the disciplinary proceedings are concerned an order has been passed on 15.02.2019 by imposing punishment of 5% deduction from DCRG payable to the petitioner for the charges proved against him; in fact the petitioner had also given an acceptance letter by accepting the above punishment by his declaration dated 27.04.2019; the revised pension is consequential to the above said order and that has been disbursed to him on 12.07.2019 without much delay; hence the petitioner cannot attribute the delay of paying the arrears of revision of pension to the respondents.



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4. As per the submission of the petitioner, the disciplinary proceedings or punishment have got no relevance to the late revision of pay for which the petitioner is entitled as per the AICTE scale of pay accepted in view of the VI Pay Commission. Hence, to this limited aspect, the respondents shall consider paying the interest on the revised pension payable to the petitioner consequential to the above revision of pay with interest at the rate of 6% per annum and pass appropriate orders and disburse the same within a period of eight weeks.

5. With the above direction, this Writ Petition is disposed. No costs.

20.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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