



WEB COPY

WP.No.25216 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.25216 of 2018

N.Radhakrishnan,
S/o P.Narayanasamy.

...

Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by the Secretary to Government,
Education Department,
Fort.St. George,
Chennai 600 009.

2. The District Educational Officer,
Villupuram,
Villurpuam District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay increment for re employment period between 30.06.2009 to 31.05.2010 for the increment which falls on 01.01.2010 in the re employment period as per G.O.Ms.No.52 Finance (Pension Department) dated 27.02.2003 and thereby dispose of the representation of the petitioner dated 24.03.2018.

For Petitioner : Mr.A.Jayachandran

For Respondents : Mr.T.Chezhiyan, AGP



WP.No.25216 of 2018

ORDER

WEB COPY

The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the respondents to pay increment for re-employment for the period between 30.06.2009 to 31.05.2010 for the increment which falls on 01.01.2010 in the re-employment period as per G.O.Ms.No.52 Finance (Pension Department) dated 27.02.2003 and thereby dispose of the representation of the petitioner dated 24.03.2018.

2.Heard Mr.A.Jayachandran, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3.The petitioner has retired as a Headmaster in a government High School. During his service, his annual increment will fall on the first of January of every year. He attained the age of superannuation on 30.06.2009. By proceedings of the 2nd respondent dated 30.06.2009 in Na.Ka.No.6338/A2/2009 the petitioner was permitted to retire from service on a condition that he has to be re-employed in service from 01.07.2009 to 31.05.2010. As per the Central Civil Service (Fixation of Re-Employed Pensioners) Order 1986, once the initial pay of re-employed pensioners has been fixed in a manner indicated in the said Rules, the



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employee may be allowed to draw normal increment in the time scale of post in which he is appointed and if the pay has been fixed at the minimum or higher stage as per the case may be, provided that the pay and gross pension taken together do not at any time, exceed Rs.8,000/-(now Rs. 26,000/-) per month. There is also an equivalent Rule in the State Government Pension Rule. So the petitioner claims that the Central Civil Service (Fixation of Re-Employed Pensioners) Order 1986, on this aspect is applicable to him.

4. It is also submitted by the learned counsel for the petitioner that the Government has passed orders to that effect in G.O.Ms.No.52 Finance [Pension] Department dated 27.02.2003 and the order is given with a retrospective effect from 13.07.1994. In pursuant to that Rule 44 of the Tamil Nadu Pension Rules 1978 has been amended.

5. According to the petitioner, he is entitled to another increment from the date of his retirement until the completion of the re-employment period. Hence, the petitioner claims that he is entitled to get one increment which falls on 01.01.2010. The petitioner has given a representation dated 24.03.2018 in this regard to the respondents. But, so far no order has been passed by the respondents. The petitioner's representation remains unattended in tune with the



WP.No.25216 of 2018

government order as referred by the petitioner. Hence, I feel appropriate direction should be given to the respondents.

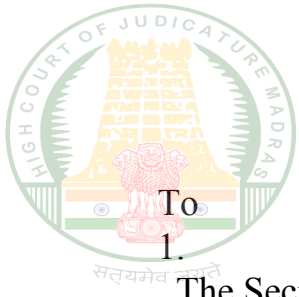
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6. In the result, this Writ petition is **disposed of** and the respondents are directed to consider the representation of the petitioner dated 24.03.2018 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition if any is closed.

17.02.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No

jrs



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To
1.

The Secretary to Government,
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2. The District Educational Officer,
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R.N.MANJULA, J.
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