

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25154 of 2015

K.Shanmugam

.. Petitioner

- Vs -

The Pension Pay Officer,
Pension Pay Office,
(H2 Section), D.P.I. complex,
Chennai - 600 006.

.. Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider and pass order on the petitioner's representation dated 01.07.2015 with regard to restoration of full pension with effect from 01.12.2014 within a stipulated time as fixed by this Court.

For Petitioner : Mr.M.Ramadass

For Respondent : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner voluntarily retired from service as Section Officer in the Tamil Nadu Administrative Tribunal, Chennai - 104 and according to him he has put in 27 years of unblemished record of service and his pension payment order number is C38847/TNT. It is submitted by the petitioner that at the time of retirement, he has opted for commutation of part of his pension upto the authorised limit and the same was sanctioned to him on 01.12.1999 and he was permitted by the respondent to revoke the amount what is paid upon commutation from his monthly pension. It is submitted by the petitioner that recovery of amount from pension towards commuted value of pension, will stop on the completion of 15 years from the date of retirement and on expiry of 15 years from the period of retirement, full pension has to be restored and there is no further recovery or demand has to be made. According to the petitioner, the period of 15 years from the date of his retirement was completed in the month of November, 2014 and therefore, he is entitled for full

pension from 01.12.2014. As the same has not been restored, he has sent a representation in this regard to the respondent and though it was received and acknowledged, he has not been favoured with any response, hence he has come forward to file this writ petition.

3. Heard the submissions of Mr.M.Ramadass, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of the respondent.

4. This Court considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the representation of the petitioner dated 01.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kk

To

The Pension Pay Officer,
Pension Pay Office,
(H2 Section), D.P.I. complex,
Chennai - 600 006.

+1 cc to Mr.M.Ramadoss, Advocate, sr.42923
+1 cc to The Government Pleader, sr.42777.

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msm(co)
kra(31/08)

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