

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

WRIT PETITION No.37235 of 2016

B.Viswanathan

... Petitioner

Vs.

1. The Director (Training)
State Training Centre,
Tamil Nadu Fire and Rescue Service,
Tambaram, Chennai 600 047.
 2. The Principal Accountant General (A & E)
Tamil Nadu, Chennai 600 048.
 - 3 The Treasury Officer,
District Treasury, Kancheepuram.
 4. The Sub Treasury Officer,
Sub Treasury, Tambaram,
Kancheepuram District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 2 to 4 to consider the claim of the petitioner to restore his monthly pension of Rs.11,046/- plus allowances from November 2011 onwards in the light of his representation and pass necessary orders in this regard within a limited time frame.

For Petitioner : Mr.G.Punniakotti

For R1, R3 & R4 : Mr.N.Srinivasan,
Additional Government Pleader

For R2 : Mr.V.Vijayashankar

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to respondents 2 to 4 to consider his claim to restore his monthly pension of Rs.11,046/- plus allowances from November 2011 onwards in the light of his representation.

2. According to the petitioner, he joined the services of the Tamil Nadu Fire Services Department as a Fireman on 26.02.1975 and was promoted as a Driver on 30.12.1983. He was advanced to Selection Grade in the said post on 30.12.1993 and to Special Grade on 30.12.2003 and thereafter promoted as upgraded Mechanic w.e.f 16.07.2005 A.N. and was working as a Driver in the Tamil Nadu State Training Centre of the Department of Tambaram, Chennai, drawing the pay of a Mechanic. He was regularly promoted as a Mechanic w.e.f. 30.06.2007. He retired from service on 31.03.2008 A.N. on attaining the age of superannuation.. After his retirement, he was drawing monthly pension as authorised by the Accountant General (AVE), Tamil Nadu, Chennai-18 in PPO.No.C417256/FIR through the Sub-Treasury, Tambaram, which was being credited to his Bank Account No.16401000005492 of Indian Overseas Bank, Pammal Branch, Chennai.

3. The petitioner's pension was revised as per G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 and the revised pension was authorised by the Accountant General (A & E), Tamil Nadu, Chennai - 18 vide Letter No.PEN.EDP/PPO No.C 417256/PCR/2009-10, dated 23.12.2009 with effect from 01.04.2008. He was paid monthly pension of Rs.11,046/- on 31.10.2011 for the month of October 2011 through Indian Overseas Bank, Pammal. But, his monthly pension for November 2011 was reduced to Rs.9,444/- without any prior notice to him. Hence, he made a representation dated 10.02.2012 to the Sub-Treasury Officer, Tambaram to ascertain the reason for reduction of pension. Since there was no reply, he made a representation to the Treasury Officer, Kancheepuram on 12.03.2013. Finding no response, he submitted representations dated 15.12.2014 and 17.04.2015 to the Principal Accountant General (A & E), Tamil Nadu, Chennai, which also did not evoke any response. It is the grievance of the petitioner that he has been receiving lesser pension every month from November 2011 onwards than what he is entitled to as per the revised pension authorised by the Accountant General vide his letter dated 23.12.2009. Left with no other alternative, the petitioner has approached this Court by way of the present Writ Petition.

4. Learned counsel for the petitioner submitted that the petitioner's grievance would be redressed if the respondents are directed to consider the petitioner's representation within a stipulated time.

5. In view of the above, without expressing any opinion on the merits of the case, this Court directs the petitioner to send a fresh representation along with a copy of this order to the 2nd respondent within a period of two weeks from the date of

receipt of a copy of this order and on receipt of the same, the 2nd respondent is directed to consider the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of six weeks.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Director (Training)
State Training Centre,
Tamil Nadu Fire and Rescue Service,
Tambaram, Chennai 600 017.
2. The Principal Accountant General (A & E)
Tamil Nadu, Chennai 600 048.
- 3 The Treasury Officer,
District Treasury,
Kancheepuram.
4. The Sub Treasury Officer,
Sub Treasury,
Tambaram,
Kancheepuram District.

+1cc to Mr.V.Vijayashankar, Advocate, S.R.No.64189
+1cc to Mr.G.Punniakotti, Advocate, S.R.No.63698
+1cc to the Government Pleader, S.R.No.64388

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