

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.26770 of 2008

E.Paramasivam

... Petitioner

Vs.

1.The Branch Manager,
Indian Overseas Bank,
Pappireddipatti,
Dharmapuri District.

2.The Officer in-charge PBOR PRE-86,
O/o.PCDA (P),
Draupadi Ghat,
Allahabad-12.

3.AOIC Air Force Records,
Subroto Park,
New Delhi - 110 010.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents herein to calculate the correct pension due and payable to the petitioner herein by rectifying the errors committed by the first respondent in calculating the pension with reference to the revision of pension as per the recommendation of the fifth pay Commission inclusive of disbursement of arrears with effect from 01.01.1996. सत्यमेव जयते

For Petitioner : Mr.G.Thangavel

For Respondent 1 : Mr.F.B.Benjamin George

For Respondents : Mr.A.Karthikeyan
2 & 3 for Mr. E.Arasu

Central Government Standing Counsel

O R D E R

The relief sought for in this writ petition is to direct the first and second respondents herein to calculate the correct pension due and payable to the petitioner herein by rectifying the errors committed by the first respondent in calculating the pension with reference to the revision of pension as per the recommendation of the fifth pay Commission

inclusive of disbursement of arrears with effect from 01.01.1996.

2. The learned counsel appearing on behalf of the petitioner submitted that though by letter dated 02.03.2005, the first respondent has stated a total amount of Rs.4,78,576/- has been paid to the petitioner as arrears of D.A. from 01.01.1996 to 30.01.2003 at Rs.4,188/- and fixed medical allowance from February, 2001 to 31.10.2003, and that there was no mistake in the calculation, the calculation attached to the said letter at Serial No.14, indicates that the amount has been calculated at $3564 = 4188 (-) 624$. Thus, the enclosure of the said letter reveals that the first respondent has not calculated the pension of arrears correctly. Serial No.15 seems to indicate commutation restored as $624 \times 31 = 19344$ only for the period from 01.04.2001 to 31.10.2003. There is discrepancy.

3. In view of the same, the above writ petition is allowed with a direction to the respondents to arrive at the correct amount and to pay the arrears together with 7.5% interest from the date of delay as per the calculation, within a period of four months from the date of receipt of a copy of this order. No costs.
nmm/ia

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Branch Manager,
Indian Overseas Bank,
Pappireddipatti,
Dharmapuri District.

2.The Officer in-charge PBOR PRE-86,
O/o.PCDA (P),
Draupadi Ghat,
Allahabad-12.

3.AOIC Air Force Records,
Subroto Park,
New Delhi - 110 010.

+1cc to Mr.G.Thangavel, Advocate S.R.No.65965
+1cc to Mr.F.B.Benjamin George, Advocate S.R.No.66017

KR/2/11/18

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