

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.19299 of 2013

1. B.Vijayan

2. K.A.Abdutty

3. B.T.Manonmony

4. R.Arapalli

5. B.E.L.Sucilla

6. Allen George

.... Petitioners

Vs

1. The Secretary to Government,
Finance (Pension Department),
Fort St. George, Chennai - 600 009.

2. The Treasury Officer,
Sub Treasury,
Pollachi.

3. The Treasury Officer,
Sub Treasury,
Ooty.

4. The Treasury Officer,
Sub Treasury,
Coimbatore.

5. The Treasury Officer,
Sub Treasury,
Pathanapuram,
Kerala.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents herein to forthwith implement the order dated 30.04.1986 in G.O.Ms.No.371 Finance (Pension) Department later substituted under Government Letter No.70707-A/Pension/86-1 Finance (Pension) Department dated 08.07.1986 and grant the petitioners all the consequential pension benefits

with effect from the date of retirement.

For Petitioner : Ms.AL.Ganthimathi

For R1 to R4 : Mr.D.Raghu
Government Advocate

For R5 : No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to forthwith implement the order dated 30.04.1986 in G.O.Ms.No.371, Finance (Pension) Department, later substituted under Government Letter No.70707-A/Pension/86-1 Finance (Pension) Department dated 08.07.1986 and grant the petitioners all the consequential pension benefits with effect from the date of retirement.

2.The writ petitioners are the Government servants, who retired before 31.12.1995. The 6th Pay Commission was implemented by the State of Tamil Nadu with effect from 01.06.1996. Thereafter, the Government issued certain orders to rectify the anomalies in respect of the retirees, who retired prior to 31.12.1995. However, the Government Order in G.O.Ms.No.371, Finance (Pension) Department, dated 30.04.1986, was challenged before the High Court in a batch of writ petitions and subsequently, the Government issued a modified order in G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013. It is pertinent to note that the revised Government Order was implemented in respect of the pensioners, who are all falling under the particular category and retired within the periods stipulated in the Government Order.

3.Thus, the relief sought for in the present writ petition to implement G.O.Ms.No.371, Finance (Pension) Department, dated 30.04.1986, does not arise at all. Subsequent benefits granted in respect of similarly placed pensioners like the petitioners, are not paid to the petitioners, and the same alone has to be considered. In this regard, the writ petitioners have submitted their representation on 05.04.2013.

4.Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representations submitted by the writ petitioners and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioners are directed to submit a fresh representation, setting out all the details and the relevant documents, along with the order

passed in this writ petition.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Secretary to Government,
Finance (Pension Department),
Fort St. George, Chennai - 600 009.
2. The Treasury Officer,
Sub Treasury,
Pollachi.
3. The Treasury Officer,
Sub Treasury,
Ooty.
4. The Treasury Officer,
Sub Treasury,
Coimbatore.
5. The Treasury Officer,
Sub Treasury,
Pathanapuram,
Kerala.

+1cc to Mr.AL.Gandhimathi, Advocate, S.R.No. 74977

+1cc to the Government Pleader, S.R.No.74408

VGII(CO)
GN(04/12/2018)

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