

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.4862 of 2013

L.Xavier

... Petitioner

Vs

1.The State of Tamilnadu
by its Secretary, Finance (Pension)
Fort St. George, Chennai.

2.Treasury Officer,
District Treasury, Cuddalore-1.

3.Sub Treasury Officer,
Cuddalore-1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to refix the pension and dearness allowance payable on the death of the petitioner's mother Amalamary at 608 points from the date of its coming into effect and to pay all arrears till date, forthwith.

For Petitioner : Mr.R.Gururaj

For Respondents : Mrs.A.Shrijayanthi
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to refix the pension and dearness allowance payable on the death of the petitioner's mother Amalamary at 608 points from the date of its coming into effect and to pay all arrears till date.

2. The learned counsel for the petitioner states that the benefit of the G.O.Ms.No.271 Finance (Pension) Department, dated 15.06.1998 was not extended to the writ petitioner. The Government granted enhanced Dearness Allowance to all the pensioners, who retired prior to 1988. However, the said benefit granted in G.O.Ms.No.271 Finance (Pension) Department, dated 15.06.1998 has not been extended to the writ petitioner.

3. This Court is of an opinion that the said Government Order was issued pursuant to the implementation of the V Pay Commission with effect from 01.05.1988. However, the present writ petition has been filed on 22.02.2013, after a lapse of about 15 years from the date of the issue of G.O.Ms.No.271 Finance (Pension) Department, dated 15.06.1998. Thus, the writ petition itself is highly belated.

4. This apart, the petitioner has not approached the competent authorities during the relevant point of time and the present writ petition also has been filed after a lapse of many years. However, this Court is of an opinion that the petitioner shall be given liberty to approach the competent authorities, if the said G.O.Ms.No.271 has not been implemented in the case of the writ petitioner. The eligibility is also to be verified and accordingly, the case of the writ petitioner shall be considered in respect of the benefits granted in G.O.Ms.No.271, if any representation is submitted by the writ petitioner in this regard.

5. With these observations, this writ petition stands disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kak/ssr

To

1.The Secretary, Finance (Pension)
Fort St. George, Chennai.

2.The Treasury Officer,
District Treasury, Cuddalore-1.

3.The Sub Treasury Officer,
Cuddalore-1.

+1 CC to M/s.S. R. Gururaj, Advocate sr 73531.
+1 CC to Govt. Pleader sr 74342.

W.P.No.4862 of 2013

CNR(CO)
SP(19/11/2018)