

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.43576 of 2016

M.Kolandaivelu

.. Petitioner

Vs.

1. The Secretary to Government
Ministry of Information and Broadcasting
Sastri Bhavan
New Delhi - 110 001.
2. The Senior Accounts Officer (Pension)
P & A Office (IRLA)
Ministry of Information and Broadcasting
7th Floor, IRLA, Phase V, Soochna Bhavan
Lodhi Road, New Delhi - 110 003.
3. The General Manager
State Bank of India
Centralised Pension Processing Centre (4470)
No.112/4, Kaliannan Koil Street
Virugambakkam
Chennai - 600 092.
4. The Central Administrative Tribunal
Additional Bench at Chennai
rep. by its Registrar
Chennai - 600 104.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records on the file of the 4th respondent relating to the impugned order of the respondent dated 21.09.2016 bearing Ref.No.OA/310/00049/2014 and quash the same and consequently allow the Original Application in O.A.No.OA/310/00049/2014 and disburse all the arrears of pension with interest from the dates of which the amount became due till the date of disbursement.

For Petitioner

: Mr.Bharatha Sakravarthy

For Respondents

: Mr.V.Balasubramanian
Senior Panel Counsel
for respondents 1 and 2

Mr.K.Chandrasekaran
for 3rd respondent

ORDER

(Made by M.M.Sundresh,J.)

By the impugned order dated 8.7.2014, the second respondent has re-fixed the pension hitherto paid to the petitioner. By this order, the pension was drastically reduced. This was challenged by the petitioner before the Tribunal, inter alia, contending that the said order was passed without notice and in any case, there cannot be any recovery, as the petitioner was not at fault.

2. The Tribunal went into the merits and dismissed the Original Application filed and, hence, the present writ petition.

3. The stand taken before the Tribunal has once again been taken before us by the respective counsel.

4. We do not propose to go into the merits of this case. On a perusal of the order under challenge before the Tribunal, it appears that it is a communication sent by the second respondent to the third respondent, by merely marking a copy to the petitioner.

5. Though it is contended that the petitioner was put on notice, there is no indication in the order under challenge, nor there is any consideration of the objections given or raised. Admittedly, the said order has got civil consequences.

6. In such view of the matter, we are inclined to set aside the order dated 21.9.2016 by directing the second respondent to issue a show cause notice to the petitioner within two weeks from the date of receipt of a copy of this order to show cause as to why the proposed revision of pension should not be done giving the petitioner four weeks time to respond and on receipt of the explanation from the petitioner, the second respondent is directed to pass orders on merits and in accordance with law, within four weeks.

In the result, the writ petition is allowed with the above directions. No costs.

Sd/-
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

sasi
To:

1. The Secretary to Government
Ministry of Information and Broadcasting
Sastri Bhavan
New Delhi - 110 001.
2. The Senior Accounts Officer (Pension)
P & A Office (IRLA)
Ministry of Information and Broadcasting
7th Floor, IRLA, Phase V, Soochna Bhavan
Lodhi Road, New Delhi - 110 003.
3. The Registrar
Central Administrative Tribunal
Additional Bench at Chennai
rep. by its Registrar
Chennai - 600 104.

+1cc to Mr.Bharatha Sakravarthy, Advocate SR.No. 78231

+1cc to Mr.K.Chandrasekaran , Advocate SR.No. 78508

+1cc to Mr.Sai Bharathi, Advocate SR.No. 78563

W.P.No.43576 of 2016

ASK(05/12/2018)

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