

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23982 of 2017
and W.M.P.No.25288 of 2017

- 1.Union of India,
rep. by its Director General of Works,
Central Public Works Department,
Nirman Bhavan, New Delhi 110 001.
 - 2.The Senior Accounts Officer,
Pay and Accounts Office, Central
Public Works Department, West Zone,
18th Floor, No.101, M.K.Road,
New Marine Lane, Mumbai-400 020.
 - 3.The Superintending Engineer (Electrical)
Chennai Central Electrical Circle,
Central Public Works Department,
Shastri Bhavan, No.26, Haddows Road,
Chennai 600 006.
- ... Petitioners

-VS-

- 1.M.Thomas George
 - 2.The Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench, Chennai 600 104.
- .. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of 2nd respondent and quash the Order dt.06.04.2016 made in OA.No.1776/2014 in so far as it relates to sanction and pay pro-rata pension to the 1st respondent from the date when it become payable and upto the date of filing of OA i.e. 02.12.2014 alone, as the same is unsustainable.

For Petitioners : Mr.V.Chandrasekaran
For Respondents : Mr.Balan Haridoss for R-1
: R-2 Tribunal

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners - Union of India and two others, have preferred this writ petition against the order of Central Administrative Tribunal, Madras Bench, dated 06.04.2016 passed in O.A.No.1776 of 2014. The prayer in this writ petition is restricted to sanction and payment of pro-rata pension to the first respondent from the date when it became payable and upto 02.12.2014, i.e., the date of filing of aforesaid O.A.

2.Both sides agree that this Court, by order dated 18.11.2013 decided a writ petition being W.P.No.32214 of 2012 in identical facts and circumstances. We have perused the decision of this Court in W.P. No.32214 of 2012. We have noticed that almost identical set of facts were prevalent in the said writ petition. This Court, after hearing the submissions of both sides, directed that the Executive Engineer, Chennai Central Division, shall treat the claim of arrears from the date of filing of Original Application and calculate the pension of the petitioner on pro-rata basis and disburse the arrears for the period preceding three years from the date of filing the Original Application to till date of payment. This Court has also observed that if the petitioner had received gratuity for the said period, the same has to be refunded by him with 9% interest per annum and if the gratuity has not been received, the arrears has to be paid within 3 months from the date of the receipt of the copy of this order. The Executive Engineer was also directed to continue to pay the pension to the petitioner as per law every month.

3.As the facts in the present case and those in W.P.No.33214 of 2012 are identical and similar, we dispose of this writ petition on the same terms as directed by this Court in the order passed in W.P.No. 32214 of 2012. In the present case, O.A.No.1776 of 2014 was filed on 28.10.2014. It is, thus, made clear that pension will be calculated on pro-rata basis and the arrears be disbursed for the period preceding three years from the date of filing of O.A.No.1776 of 2014, i.e., from the year 2011.

4.Thus, the impugned order of the Central Administrative Tribunal, Madras Bench, directing the authorities to sanction

and pay pro-rata pension for the period of service from 05.11.1966 to 30.08.1977 is set aside and instead, the petitioners shall calculate the pension of the first respondent on pro-rata basis and disburse the arrears for the period preceding three years from the date of filing of O.A.No.1776 of 2014, i.e., from 2011.

Writ petition is, accordingly, partly allowed. No costs. Consequently, W.M.P.No.25288 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai 600 104.

+1 cc to M/s.V.Chandrasekaran Advocate sr 67643

+2 cc to M/s.Balan Haridas Advocate sr 67496

W.P.No.23982 of 2017

mr(co)
aa16/10/2018

सत्यमेव जयते

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