

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33469 of 2018

1.P.Ganapathi Subramanian
2.G.Mythili
3.V.Jayapalan
4.P.Shanmugam

....Petitioners

Vs

1.The Principal Secretary to Government,
Finance (Pay Cell) Department
Fort St.George,Secretariat,
Chennai 600 009.

2.The Commissioner of Treasuries & Accounts
Chennai.

3.The Treasury Officer, Thanjavur.

4.The Accountant General (Accounts & Entitlements)
Tamil Nadu, 361, Anna Salai,
Chennai-18.

...Respondents

For Petitioner : M/s.R.S.Anandan

For Respondent : Mr.A.N.Thambidurai,
Special Govt.Pleader R1 to 3

V.Vijayshankar,SC, for R4

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent herein to revise the petitioners' pensionary benefits based on the last pay drawn by the petitioners and reimburse the recovered amount from the DCRG and pay the arrears with interest for the delayed payments of the benefits forthwith.

O R D E R

This writ petition has been filed, seeking direction to the first respondent to revise the petitioners' pensionary benefits based on the last pay drawn by the petitioners and reimburse the recovered amount from the DCRG and pay the arrears with interest for the delayed payments of the benefits forthwith.

2. The petitioners are retired officials of the Treasury department and all of them retired from service on various dates. A per the clarification issued in Government Letter No.69656/PC/99-1 Fin (PC) Department dated 16.02.1999, the third

respondent, in his proceedings dated 16.2.1999, refixed their pay scale. Thereafter, the Treasury Officer, Thanjavur / the third respondent herein cancelled the pay refixation and ordered for recovery of excess pay as per his proceedings dated 03.09.1999. The petitioners along with 30 other persons / colleagues involved in the said recovery order, filed an application in O.A.No.6344/99 before the Tamil Nadu Administrative Tribunal challenging the letter of the first respondent herein in Letter No.8191/PC/99-1 dated 25.03.1999 and the consequential order of the Treasury Officer, Thanjavur in Proceeding No.RC 12677/99 A1 dated 03.09.1999. The same was allowed as per the order in W.P.No.38588 of 2006 dated 22.07.2010. Even thereafter the petitioners were not conferred with the benefits, but were conferred with reduced pay and reduced pension, not based on the last pay drawn. Though representations were submitted, more than eight years have lapsed till the same has not been given effect to.

3. Learned counsel for the petitioners brought to the notice of this Court, the communication dated 02.05.2012 received by one of the petitioners herein under the Right to Information Act, wherein she had been informed by the Public Information Officer / Under Secretary to the Government, that further action based on judgment dated 22.07.2010 in W.P.No.38588 of 2006 is under examination of the Government and after a final decision is taken in the matter, the same will be informed. Thereafter, there was no progress. Learned counsel further submits that similarly placed persons one Ms.Lalitha and Ms.Rajeswari had filed writ petitions in W.P.Nos.33207 of 2007 and 14912 of 2009 and pursuant to the orders of this Court, the service benefits have been settled to them and only for the petitioners herein, who are similarly placed, the Government has not considered to extend the same benefits.

4. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of the respondents.

5. Considering the facts and circumstances of the case, the respondents are directed to consider the case of the petitioners and revise the petitioners' pensionary benefits based on the last pay drawn by the petitioners and also based on the orders dated 11.09.2013 and 27.07.2018 passed in W.P.Nos.33207 of 2007 and 14912 of 2009, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

kst

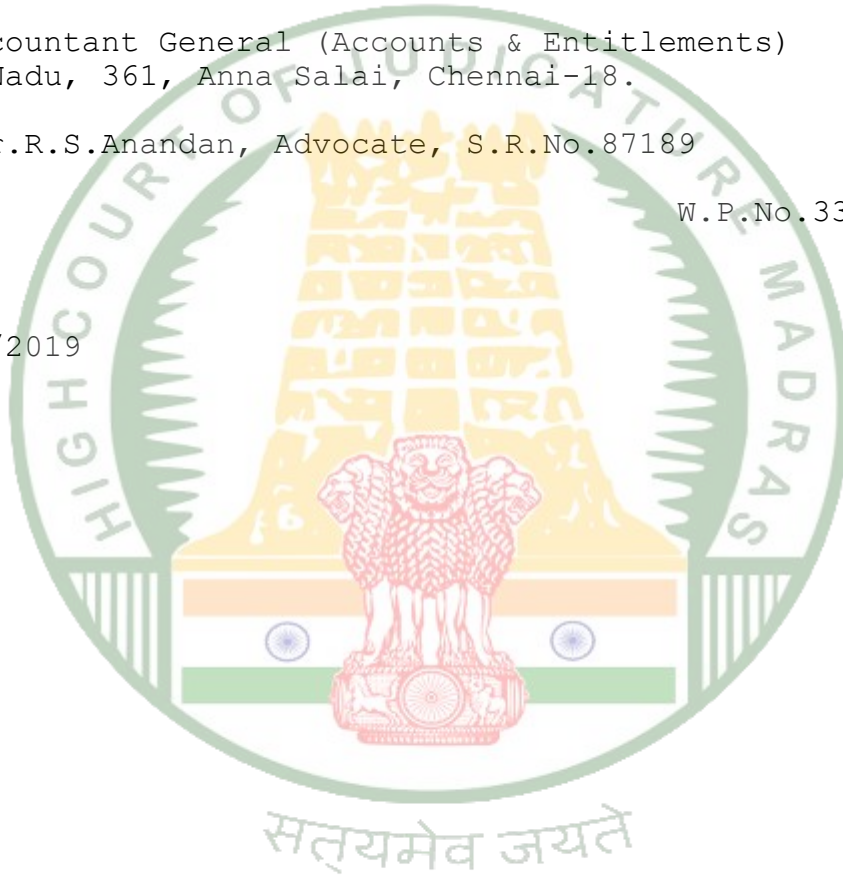
To

1. The Principal Secretary to Government,
Finance (Pay Cell) Department
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Chennai 600 009.
 2. The Commissioner of Treasuries & Accounts
Chennai.
 3. The Treasury Officer, Thanjavur.
 4. The Accountant General (Accounts & Entitlements)
Tamil Nadu, 361, Anna Salai, Chennai-18.
- +1cc to Mr.R.S.Anandan, Advocate, S.R.No.87189

W.P.No.33469 of 2018

MP(CO)

rrs 29/01/2019



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