

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.24753 of 2004
and
WP.MP.No.30112 of 2004

1. Prof.C.Balasundaram
 2. Prof.D.Chellappa
-Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Govt.,
Higher Education Department,
Secretariat,
Fort St.George, Chennai - 9.
 2. The Director of Collegiate Education,
College Road, DPI Compound,
Chennai - 6.
 3. The Joint Director of
Collegiate Education,
Madurai Region, Madurai.
 4. The Accountant General,
Teynampet, Chennai - 18.
 5. The District Treasury Officer,
Thanjavur.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to interfere with the re-fixation of the pensionary and other benefits conferred on the petitioners as per G.O.Ms.No.449 Finance (P) Dept. dated 12.10.1999 by including the Dearness Allowance earned by them along with their pay and consequently direct the respondents to refund amounts recovered from pension from November 2003.

For Petitioners : Mr.K.Vaidhyanathan
for Ms.S.Vasuki

For Respondents : Mrs.K.Bhuvaneswari, AGP
for R1 to R3, R5

Mr.V.Vijay Shankar
for R4

O R D E R

The Writ Petition does not arise on the cause of action maintained. The prayer in the Writ Petition is for an injunction restraining the respondents from re-fixing the pensionary benefits. In my view, if any re-fixation is done or excess amount is sought to be recovered, it is always open to the petitioners to challenge the same in a manner known to law. As such, the present prayer can only be deemed as pre-mature.

2. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

hvk

To

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1. The Secretary to Govt.,
Higher Education Department,
Secretariat,
Fort St.George, Chennai - 9.

2. The Director of Collegiate Education,
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3. The Joint Director of
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+1 cc to Mr.V.Vijay Shankar, Advocate, S.R.No.16759

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MD(CO)
SSM(03/04/2019).



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