

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

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

W.P.No.416 of 2018
& WMP Nos.468 & 469 of 2018

Jhanakidhevi S.K.
Office Superintendent (Retired),
W/o Chokalingam,
Now residing at Plot No.170, 5th Street,
M.C.N. Nagar, Thuraipakkam,
Chennai-600 096. ... Petitioner

Vs.

- 1.Union of India, represented by
the Senior Accounts Officer (Pension),
Zonal Accounts Office, CBDT, Chennai-34.
- 2.The Deputy Controller of Accounts,
Zonal Accounts Office, CBDT, Chennai-34.
- 3.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.
- 4.The Director (P.P.)
Department of Pension & Pensioners' Welfare
Loknaya Bhavan, Khan Market,
New Delhi.
(R4 impleaded as per order dated 31.07.2018
by HGRJ & MDIJ in WMP.21533/2018 in WP.416/2018)

... Respondents

Writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records of the order passed by Central Administrative Tribunal made in O.A.No.181/2013 dated 24.10.2013, M.A.No.310/00564/2016 in Unnumbered R.A. In O.A.No.181/2013 dated 27.07.2016, quash the same and consequently, direct the respondents 1 and 2 to re-fix the pension of the petitioner at Rs.12,411/- w.e.f. 01.01.2006 taking into account her basic pension as Rs.5491/- not

inclusive of Dearness pension and pay all the due arrears of pension etc., and other monetary reliefs.

For petitioner : Mrs.S.K.Janaki Devi, Party-in-person

For Respondents : Mr.J.Madhanagopal Rao for R1 & R2
R3-Tribunal

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

The petitioner appears in person. Now what has been challenged before us is the order passed by the Central Administrative Tribunal, Madras Bench, Madras, in O.A.No.181/2013 dated 24.10.2013 and the consequential order passed in M.A.No.310/00564/2016 in Unnumbered R.A., in O.A.No.181/2013 dated 27.07.2016.

2. After obtaining certain information under the Right to Information Act, the petitioner has filed an application seeking to review the order passed. The Tribunal dismissed the said application not on the merit but on the premise that no reasonable cause has been shown for condoning the delay of ***816** days in filing the said application.

3. Even before us, the petitioner appeared as party-in-person. Taking into consideration the fact that the review application has been filed after collecting certain materials under the Right to Information Act and what the petitioner seeks is only enhanced pension, we are inclined to condone the delay in filing the unnumbered review application. After all, the explanation of delay is not one of law but that of prudence and practice to be applied to the facts and circumstances of each case. The petitioner, who is a lady since retired, seeks an adjudication on merit. Pension as such would give continuing cause of action. Thus, we are inclined to set aside the order dated 27.07.2016.

4. Taking into consideration of the fact that the petitioner is appearing as party in person and has since retired and what she seeks is enhanced pension, we direct the third respondent to number the review application and dispose of the same within a period of three months from the date of receipt of a copy of this order, after hearing the petitioner. In view of the abovesaid decision, we are not passing any order in the main original application.

5. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)
Dated: 25/01/2019

*** Corrected as per order of
this Court dated 29/01/2019
made herein WP.No. 416/2018**

**Sd/- Assistant Registrar(CS III)
Dated: 01/02/2019**

//True copy//

Sub Assistant Registrar

raa

To

- 1.The Senior Accounts Officer (Pension),
Union of India,
Zonal Accounts Office, CBDT, Chennai-34.
- 2.The Deputy Controller of Accounts,
Zonal Accounts Office, CBDT, Chennai-34.
- 3.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.
- 4.The Director (P.P.)
Department of Pension & Pensioners' Welfare
Loknayak Bhavan, Khan Market,
New Delhi.

**To be Substituted
for the order
already despatched
On 28/01/2019**

+1cc to Mrs.S.K.Janaki Devi, Advocate SR.No.4117
+1cc to Mr.J.Madhanagopal Rao, Advocate SR.No.*6934

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W.P.No.416 of 2018

KJI (CO)
GMY (25/01/2019)
GN (01/02/2019)