



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.11148 & 11149 of 2015

W.P(MD)No.11148 of 2015:-

R.Rathinam

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Finance (Pension) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Treasury Accountant General (Accounts & Entitlements),
DMS Complex,
Chennai - 600 006.

3.The District Treasury Officer,
Tirunelveli District,
Tirunelveli - 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 08.11.2011 and issue an appropriate direction to the Treasury Officers in the Districts to follow G.O.Ms.No.50, Finance (Pension) Department, dated 19th February 2008 and L.R.80447/Pension/92-1, dated 03.07.1992 issued by the Secretary to Government, Finance (Pension) Department for restoring the commuted portion of pension on the completion of 15 years from the date of retirement irrespective of the date of commutation.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader.

W.P(MD)No.11149 of 2015:-

R.Rathinam

... Petitioner



1.The Principal Secretary to the Government,
Finance (Pension) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Commissioner,
Treasury Accountant General (Accounts & Entitlements),
No.1, Jeenis Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.

3.The District Treasury Officer,
Tirunelveli District,
Tirunelveli - 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to issue an appropriate direction to the third respondent to strictly adhere G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 with reference to Para - 2 (vi) and Government Letter No.51051/Pay Cell/ 2009-I, dated 06.10.2009 and Letter No.63305/Pay Cell/2010-2, dated 08.11.2010 and Government Letter No.26734/Pay Cell/2011-I, dated 24.05.2011 and on that basis calculate the pension to the pensioners at 50/30 percent of the minimum of the pay in the Pay Band Plus Grade pay applicable w.e.f. 01.01.2006 corresponding to the pre-revised scale of pay of the posts lost held by the employees at the time of their retirement ie., Selection Grade/Special Grade Posts respectively without reference to Annexure - iv of the Government Order Ms.No.235, dated 01.06.2009 and consequently disburse the correct pension after calculating revised pension as per G.O to the concerned retired Government Employees.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader.

COMMON ORDER

W.P(MD)No.11148 of 2015 has been filed seeking a direction to the respondents 1 and 2 to consider the petitioner's representation, dated 08.11.2011 and issue an appropriate direction to the Treasury Officers in the Districts to follow G.O.Ms.No.50, Finance (Pension) Department, dated 19th February 2008 and L.R.80447/Pension/92-1, dated 03.07.1992 issued by the Secretary to Government, Finance (Pension) Department for restoring the commuted portion of pension, on the completion of 15 years from the date of retirement, irrespective of the date of commutation.

2.W.P(MD)No.11149 of 2015 has been filed seeking a direction to the respondents 1 and 2 to issue an appropriate direction to the



third respondent to strictly adhere to G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 with reference to Para - 2 (vi) and Government Letter No.51051/Pay Cell/ 2009-I, dated 06.10.2009 and Letter No.63305/Pay Cell/2010-2, dated 08.11.2010 and Government Letter No.26734/Pay Cell/2011-I, dated 24.05.2011 and on that basis calculate the pension to the pensioners at 50/30 percent of the minimum of the pay in the Pay Band Plus Grade pay applicable w.e.f. 01.01.2006 corresponding to the pre-revised scale of pay of the posts lastly held by the petitioner at the time of his retirement without reference to Annexure - iv of G.O.Ms.No.235, dated 01.06.2009 and consequently disburse the correct pension, after calculating the revised pension.

3.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.Though the prayer is for a larger relief, the learned counsel appearing for the petitioner confines the same to the effect that the representation of the petitioner, dated 08.11.2011 and 11.08.2014 be directed to be considered by the respondents on merits.

5.The learned Special Government Pleader appearing for the respondents has no serious objection in granting such relief to the petitioner.

6.In view of the submission now made by the learned counsel for the petitioner, which has been agreed upon by the learned Special Government Pleader for the respondents, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the petitioner's representations, dated 08.11.2011 and 11.08.2014 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petitions are disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Principal Secretary to the Government,
Finance (Pension) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director,
Treasury Accountant General (Accounts & Entitlements),
DMS Complex,
Chennai - 600 006.
- 3.The District Treasury Officer,
Tirunelveli District,
Tirunelveli - 9.
- 4.The Commissioner,
Treasury Accountant General (Accounts & Entitlements),
No.1, Jeenis Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.

+1CC TO MR.V.R.VENKATESAN, Advocate Sr. No.56717

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.57363

W.P(MD)Nos.11148 & 11149 of 2015
26.03.2019

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