



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.9452 of 2015
and
M.P. (MD) .No.1 of 2015

S.Azariah

... Petitioner

vs.

1.The State of TamilNadu,
rep. by its Secretary,
Department of Finance (Pension)
Fort St. George, Chennai-09.

2.The Accountant General,
Office of the Accountant General,
361, Annasalai, Chennai-18.

3.The Commissioner,
Office of the Treasuries and Accounts,
Chennai-15.

4.The District Treasury Officer,
Office of the District Treasury,
Nagercoil.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to sanction and disburse forthwith the revised pension at the rate of Rs.8,123/- per month w.e.f. 01.06.1996 as per the Fitment Table under G.O Ms. No. 174 (Finance Pay Cell) dated 21.04.1998 and the further revised pension at the rate of Rs.18,360/- per month w.e.f. 01.06.2006 as per the Fitment table under GO(MS) No. 235 (Finance Pay Cell) dated 01.06.2009 as ordered under GO(Ms) No. 363 (Finance PGC) dated 23.08.2013 and pass such further or other orders.

For Petitioner	:	Mr.K.Ragatheesh Kumar for M/s.Cibichakraborty
For Respondents	:	Mr.S.Angappan Government Advocate for RR-1, 3 & 4 Mr.P.Gunasekaran for R-2

ORDER

The Writ Petition has been filed seeking a direction to the respondents herein to sanction and disburse forthwith the revised pension at the rate of Rs.8,123/- per month w.e.f. 01.06.1996 as per the Fitment Table under G.O Ms. No. 174 (Finance Pay Cell) dated 21.04.1998 and the further revised pension at the rate of Rs.18,360/- per month w.e.f. 01.06.2006 as per the Fitment table under GO(MS) No. 235 (Finance Pay Cell) dated 01.06.2009 as ordered under GO(Ms) No. 363 (Finance PGC) dated 23.08.2013.

2. Heard the learned Counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondents 1, 3 & 4 and Mr.P.Gunasekaran, appearing for the second respondent.

3. The case of the petitioner is that for sanction as well as disbursement of revision of pension, in the light of the GO(Ms) No. 363 (Finance PGC) dated 23.08.2013, he made claims, which were subsequently considered and an order dated 11.06.2014 has been passed by the second respondent. However, the fourth respondent failed to disburse the same. Hence, the present writ petition has been filed.

4.The learned counsel for the petitioner submitted that it would suffice, if the claim of the petitioner is directed to be considered in the light of the order dated 11.06.2014, passed by the second respondent, by which, the learned Government Advocate appearing for the respondents has no serious objection.

5.In view of the submissions made by the learned counsel on either side, this Court directs the fourth respondent to pass necessary orders by considering the case of the petitioner, in the light of GO(Ms) No. 363 (Finance PGC) dated 23.08.2013 as well as the order of the second respondent dated 11.06.2014 within a period of four weeks from the date of receipt of a copy of this order and also grant all the benefits along with arrears, if any.

6.The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

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Sub Assistant Registrar(CS)

To
1.The Secretary,
State of TamilNadu,
Department of Finance (Pension)
Fort St. George, Chennai-09.



2.The Commissioner,
Office of the Treasuries and Accounts,
Chennai-15.

3.The District Treasury Officer,
Office of the District Treasury,
Nagercoil.

+1 CC to M/s.SPL GP (SR-58543[F] dated 03/04/2019)

+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-58595[F] dated
03/04/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-59051[F] dated
04/04/2019)

W.P(MD) No.9452 of 2015
02.04.2019

DS : 07/05/2019 : 3P/7C: