

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-01-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35323 OF 2019

N.Devarajan

... Petitioner

-vs-

- 1.The Superintendent,
Raja Sir Ramasamy Mudaliar
Govt.Hospital, Royapuram,
Chennai - 600 013.
- 2.The Administrative Officer,
Raja Sir Ramasamy Mudaliar
Govt.Hospital, Royapuram,
Chennai - 600 013.
- 3.The Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai-18.
- 4.The Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai-18.
- 5.The Pay and Accounts Officer (North),
No.32, Rajaji Salai, Collectorate,
Chennai-600 001.
- 6.The Pension Pay Officer,
Pension Pay Office,
College Road,
Chennai-600 006.
- 7.The Chief Manager,
Indian Bank,
4th Floor,
No.66, Rajaji Salai,
Chennai-600 001.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 3 and 6 to pay the Commuted Value of Pension amount and arrears of pension from 01.09.2010 to 20.09.2011 to the petitioner by furnishing the exact payment details about the arrears of pension amount and Commuted Value of Pension amount forthwith.

For Petitioner : Mr.A.Ilayaperumal

For Respondents 1,2,4 & 6: Mr.A.Zakir Hussain,
Govt.Advocate.

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus, directing the respondents 3 and 6 to pay the Commuted Value of Pension amount and Arrears of Pension from 01.09.2010 to 20.09.2011.

2. When this matter had come up for admission on 20.12.2019, this Court directed the learned Government Advocate to take instructions from the respondents in the matter and report before this Court as to whether payment has been made to the petitioner. This Court also brought to the notice of the learned Government Advocate the earlier orders passed by this Court in W.P.No.9722 of 2015, dated 20.09.2016.

3. Accordingly, today, the learned Government Advocate, on instructions, submitted that the arrears for the period from 01.09.2010 to 31.10.2011 along with other amounts due and payable to the petitioner were already paid to him and a total sum of Rs.2,94,975/- was paid and credited to the account of the petitioner. The learned Government Advocate also produced the relevant records before this Court in order to substantiate his submission.

4. Learned counsel for the petitioner submitted that he has to take instructions from his client and see if the amount that has been paid to the petitioner actually satisfies the claim made by the petitioner.

5. This Court is of the considered view that a particular amount has been paid to the petitioner towards Pension Arrears and Commutation of Pension for the period from 01.09.2010 to 31.10.2011. Therefore, the petitioner cannot maintain the present Writ Petition, which only seeks for a mandamus to pay the said amount. If he is aggrieved by the

amount that has been arrived at, he has to independently challenge the same and he cannot continue to maintain a writ of mandamus and redress his grievance.

6. In view of the above, no further orders can be passed in this Writ Petition, except to give liberty to the petitioner to question the amount paid to him towards Arrears of Pension and Commutation of Pension, if he is so advised.

7. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dixit

To

- 1.The Superintendent,
Raja Sir Ramasamy Mudaliar
Govt.Hospital, Royapuram,
Chennai - 600 013.
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Raja Sir Ramasamy Mudaliar
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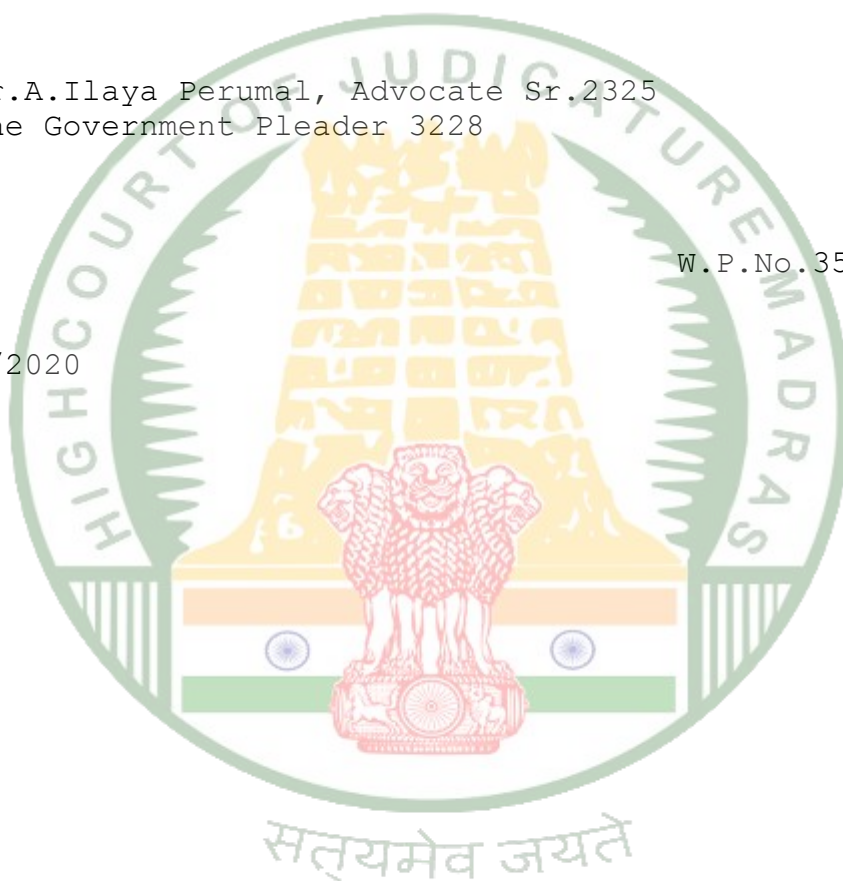
6.The Pension Pay Officer,
Pension Pay Office,
College Road,
Chennai-600 006.

7.The Chief Manager,
Indian Bank,
4th Floor,
No.66, Rajaji Salai,
Chennai-600 001.

+1cc to Mr.A.Ilaya Perumal, Advocate Sr.2325
+1cc to the Government Pleader 3228

W.P.No.35323 OF 2019

srg 07/02/2020



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