



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)Nos.7441 and 7454 of 2020
and W.M.P. (MD) Nos.6897 and 6914 of 2020

W.P. (MD) No.7441 of 2020

N.D.Sambathkumar

... Petitioner

Vs.

1.The Accountant General (A&E)
361 Anna Salai Teynampet
Chennai-18

2.The Director of Agriculture
Chepauk chennai

3.The Treasury Officer
District Collectorate Campus, Madurai

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the forbearing the respondents herein from withholding or effecting any recovery from the petitioners pension account PPO No. R0708373 and to consequently direct the respondents to continue the pension paid to the petitioner prior to June 2020.

W.P. (MD) No.7454 of 2020

Sevugaperumal

... Petitioner

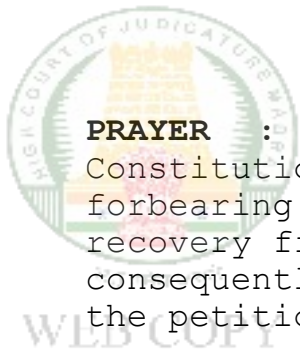
Vs.

1.The Accountant General (A&E)
361 Anna Salai Teynampet
Chennai-18

2.The Director of Agriculture
Chepauk chennai

3.The Treasury Officer
District Collectorate Campus, Madurai

... Respondents



PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the forbearing the respondents herein from withholding or effecting any recovery from the petitioners pension account PPO No.R0703397 and to consequently direct the respondents to continue the pension paid to the petitioner prior to June 2020.

For Petitioner :Mr.P.Samuel Gunasingh
For Respondents :Mr.P.Gunasekaran for R1
Mr.M.Jeyakumar for R2 & R3
Special Government Pleader

ORDER

In both the writ petitions, the respective petitioners are pensioners and they have been receiving pension every month and this has been suddenly reduced from the month of June as under:

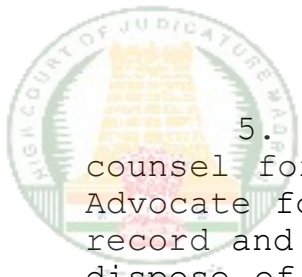
Petitioner name	Actual Pension	Reduced pension
N.D.Sambathkumar	Rs.63,790/-	Rs.54,872/-
Sevugaperumal	Rs.54,137/-	Rs.46,545/-

Challenging such reduction, these writ petitions have been filed seeking for a writ of Mandamus to direct the respondents not to deduct the amount of pension so far received by the respective petitioners, as these deductions have suddenly been impacted against the petitioners without any notice on them.

2. I have heard the learned counsel for the petitioner, who would submit that, this reduction is unilateral, as no notice has been given to the petitioners and seeking any explanation or any opportunity of being heard given to the petitioners, suddenly, this deduction in pension has been impacted by the respondents against the respective petitioners. Therefore, such a reduction is bad in law.

3. I have heard Mr.P.Gunasekaran, learned standing counsel for the first respondent and the learned Government Advocate for the respondents 2 and 3.

4. The learned counsel appearing for the respondents in both the writ petitions made a combined request before this Court that, if at all the petitioners' grievance is only to the effect that no notices have been served on them before the reduction of pension is effected, certainly, the respondents are ready and willing to give notice to them and after hearing them, necessary orders would be passed based on the eligibility of these writ petitioners to get the actual pension.



5. The said fair submission made by the learned standing counsel for the first respondent as well as the learned Government Advocate for the respondents 2 and 3 in both the cases are taken on record and in view of the said submission, this Court is inclined to dispose of the writ petitions by this common order to the following effect:

"that the respondents are hereby directed not to deduct or reduce the pension hitherto received by both the writ petitioners till the month of May 2020 and the said amount shall continue to pay to the petitioners. However, it is open to the third respondent to issue a show cause notice to the respective petitioners with regard to the proposal of reduction of pension and after giving an opportunity of being heard to both the petitioners, final orders can be passed by the third respondent as to whether deduction in pension has to be effected or not. Accordingly, the respondents can act upon, after the final order to be passed by the third respondent, as indicated above. Till such time, the present pension, which was paid to the petitioners till the month of May 2020, shall continue to be paid without any hindrance. The needful as indicated above shall be done by the respondents, especially, the third respondent within three months from the date of receipt of a copy of this order."

With these observations and directions, the writ petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Accountant General (A&E)
361 Anna Salai Teynampet
Chennai-18



2.The Director of Agriculture
Chepauk chennai

3.The Treasury Officer
District Collectorate Campus, Madurai

W.P. (MD) Nos. 7441 and 7454 of 2020
and W.M.P. (MD) Nos. 6897 and 6914 of 2020
09.07.2020

KK(16.07.2020) 4P 4C