



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8501 of 2020

and

W.M.P. (MD) No.7886 of 2020

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Maiulvel Mangalam

... Petitioner

Vs.

1.The Accountant General (A&E),
361, Anna Salai Teynampet,
Chennai-600 018.

2.The Director of Agriculture,
O/o the Director of Agriculture,
Chepauk, Chennai.

3.The Treasury Officer,
O/o District Treasury Office,
District Collectorate Campus,
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents herein from withholding or effecting any recovery from the petitioner's pension account PPO No.C.268183 and to consequently direct the respondents to continue the pension paid to the petitioner prior to February, 2020.

For Petitioner : Mr.A.Thiruvadi Kumar
For R1 : Mr.P.Gunasekaran
For RR 2 & 3 : Mr.M.Karuppasamy,
Government Advocate.

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, forbearing the respondents herein from withholding or effecting any recovery from the petitioner's pension account PPO No.C.268183 and to consequently direct the respondents to continue the pension paid to the petitioner prior to February, 2020.

2. The petitioner is a pensioner and he has been receiving pension of Rs.51,712/- per month and this has been suddenly reduced to Rs.44,970/-, after deducting a sum of Rs.6,742/-, from the month of February 2020. Challenging such reduction, the present writ petition has been filed seeking a writ of Mandamus to direct the



respondents not to deduct the amount of pension so far received by the petitioner, as this deduction has suddenly been impacted against the petitioner without any notice on him.

3. 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 petitioner and without seeking any explanation or any opportunity of being heard given to the petitioner, suddenly, this deduction in pension has been impacted by the respondents against the petitioner, therefore, such a reduction is bad in law.

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

5. The learned counsel appearing for the respondents made a combined request before this Court that, if at all the petitioner's grievance is only to the effect that, no notice has been served on him before the reduction of pension is effected, certainly, the respondents are ready and willing to give notice to him and after hearing him, necessary orders would be passed based on the eligibility of the writ petitioner to get the actual pension.

6. 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 is taken on record and in view of the said submission, this Court is inclined to dispose of the writ petition to the following effect:

"(i) that the respondents are hereby directed not to deduct or reduce the pension hitherto received by the writ petitioner, till the month of January 2020, and the said amount shall continue to be paid to the petitioner;

(ii) However, it is open to the third respondent to issue a show cause notice to the petitioner with regard to the proposal of reduction of pension and after giving an opportunity of being heard to the petitioner, final order can be passed by the third respondent as to whether deduction in pension has to be effected or not;

(iii) The needful as indicated above shall be done by the respondents, especially, the third respondent within a period three months from the date of receipt of a copy of this order; and

(iv) 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 petitioner till the month of January 2020, shall continue to be paid without any hindrance. "

7. With these observations and directions, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD)



No.7886 of 2020 is closed.

Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

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-600 018.
- 2.The Director of Agriculture,
O/o the Director of Agriculture,
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- 3.The Treasury Officer,
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KB(08.09.2020) 3P 4C