



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.10091, 10099, 10110 and 10116 of 2020
and W.M.P. (MD) Nos.8985, 8997, 9004 and 9012 of 2020

W.P. (MD) No.10091 of 2020

S.Subramanian

... 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,
Virudhunagar District,
Virudhunagar.
- 4.The Assistant Treasury Officer,
O/o.Sub Treasury,
Sattur,
Virudhunagar District.

... Respondents

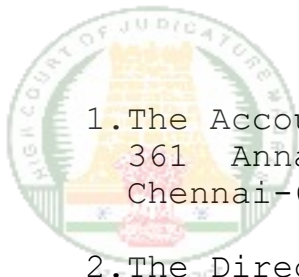
PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents herein from withholding or effecting any recovery from the petitioner's Pension Account PPO No. R0702756 and to consequently direct the respondents to continue to pay the pension paid to the petitioner prior to February, 2018.

W.P. (MD) No.10099 of 2020

P.Manickavelu

... 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,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER : Writ Petition 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. C262616 AGR and to consequently direct the respondents herein to continue to pay the pension paid to the petitioner prior to January, 2018.

W.P. (MD) No.10110 of 2020

G.Balasubramanian

... Petitioner

Vs.

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

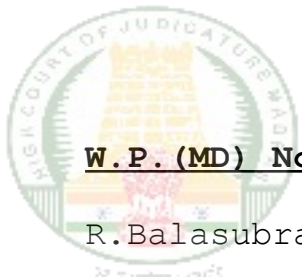
2.The Director of Agriculture,
O/o.The Director of Agriculture,
Chepauk, Chennai.

3.The Treasury Officer,
O/o.District Treasury Office,
Virudhunagar District,
Virudhunagar.

4.The Assistant Treasury Officer,
O/o.Sub Treasury,
Sattur,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition 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. R 0706758 and to consequently direct the respondents to continue to pay the pension paid to the petitioner prior to February, 2018.



W.P. (MD) No.10116 of 2020

R.Balasubramaniam

... 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,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER : Writ Petition 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 268517 and to consequently direct the respondents herein to continue to pay the pension paid to the petitioner prior to January, 2018.

For Petitioner :Mr.A.Thiruvadi Kumar
in all the writ petitions

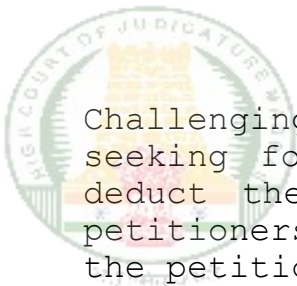
For Respondents :Mr.R.Saravanakumar for R1 in all WPs.

Mr.M.Karuppasamy for R2 & R3 in all WPs
and for R4 in WP.Nos.10091 and 10110/2020
Government Advocate

COMMON ORDER

In all 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 April 2018, January 2018, April 2018 and January 2018 respectively as under:

Petitioner name	Actual Pension	Reduced pension
S.Subramanian	Rs.54,819/-	Rs.47,507/-
P.Manickavelu	Rs.59,502/-	Rs.52,190/-
G.Balasubramanian	Rs.54,819/-	Rs.47,507/-
R.Balasubramaniam	Rs.54,819/-	Rs.47,507/-



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.

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2. I have heard the learned counsel for the petitioners, 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.

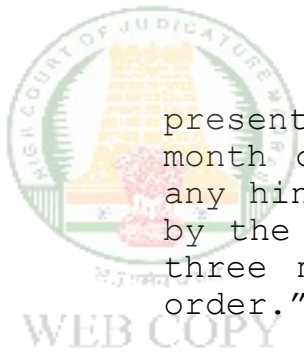
3. I have heard Mr. R. Saravanakumar, learned standing counsel for the first respondent and the learned Government Advocate for the respondents 2 and 3.

4. Since the similar issue has already been decided in a number of cases, where in W.P. (MD) No. 7532 of 2020 after considering the similar issue, this Court has passed the following order:-

"4. The learned counsel appearing for the respondents 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 him and after hearing him, necessary orders would be passed based on the eligibility of the writ petitioner 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 Additional Government Plader 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:

"that the respondents are hereby directed not to deduct or reduce the pension hitherto received by the writ petitioner till the month of February 2020 and the said amount shall continue to pay to the petitioner. 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. 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 February 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 petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed."

In view of the same, there shall be an order to that effect in these cases also.

5. The learned counsel appearing for the respondents in all 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.

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 in all the cases are taken on record and in view of the said submission, this Court is inclined to dispose of these 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 all the writ petitioners till the month of February 2018, December 2017, February 2018, and December 2017 respectively 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 February 2018, December 2017, February 2018, and December 2017 respectively, 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."



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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am

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,
Chepauk, Chennai.
- 3.The Treasury Officer,
Virudhunagar District,
Virudhunagar.
- 4.The Assistant Treasury Officer,
O/o.Sub Treasury,
Sattur,
Virudhunagar District.

+4 CCs to M/s.A. THIRUVADIKUMAR, Advocate (SR-15141 to 15144[F]
dated 27/08/2020)

+1 CC to SGP (SR-15289[F] dated 28/08/2020)

W.P. (MD) Nos.10091, 10099,
10110 and 10116 of 2020

26.08.2020

NS (CO)

NR (20/11/2020) 6P : 10C

<https://hcservices.ecourts.gov.in/hcservices/>