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W.P.(MD) No.11477 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11477 of 2020

and

W.M.P.(MD)No.10023 of 2020

Kannan

... Petitioner

-Vs-

1. The Accountant General, (A&E),
361, Anna Salai, Teynampet,
Chennai-600 018.
2. The Director of Horticulture,
Chepauk, Chennai.
3. The Treasury Officer,
District Collectorate Campus,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of 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.R0715707 and to consequently direct the respondents to continue the pension paid to the petitioner in July, 2020.

For Petitioner	: Mr.P.Samuel Gunasingh
For R1	: Mr.P.Gunasekaran
For R2 and R3	: Mrs.J.Padmavathy Devi, Special Government Pleader.

ORDER

The petitioner is a pensioner and he has been receiving pension of Rs.44,674/- per month and this has been suddenly reduced to Rs.35,620/-, after deducting a sum of Rs.9,054/-, from the month of August, 2020. Challenging such reduction, the present Writ Petition has been filed seeking a writ of Mandamus, forbearing the respondents herein from withholding or effecting any recovery from the petitioner's pension account PPO No.R0715707 and to consequently

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



direct the respondents to continue the pension paid to the petitioner in July, 2020.

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 petitioner and 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.

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

4.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.

5.The said fair submission made by the learned counsel for the first respondent as well as the learned Special Government Pleader 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 July 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 July 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 a period of three months from the date of receipt of a copy of this order."



6. With these observations and directions, the Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

Myr

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 Director of Horticulture,
Chepauk, Chennai.
2. The Treasury Officer,
District Collectorate Campus,
Madurai.

+1 CC to the SPL GP (SR-16968[F] dated 15/09/2020)

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