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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)Nos.12696, 12703 and 12709 of 2020
and

W.M.P. (MD) Nos.10797, 10799 and 10805 of 2020

S.Chidambaram ... Petitioner in W.P.12696/2020

A.Selvaraj ... Petitioner in W.P.12703/2020

N.Subbiah ... Petitioner in W.P.12709/2020

Vs.

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

2.The Engineer in Chief and Chief Engineer(General),
Public Works Department, Chepauk,
Chennai - 600 005.

3.The District Treasury Officer,
District Treasury,
District Collectorate Campus,
Madurai- 625 020.

... Respondents in all petitions

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from withholding or deducting or effecting any recovery from the petitioners' pension account PPO Nos.R1509704, C327731/PW and R1511139/PW respectively and consequently direct the respondents to continue the pension paid to the petitioners prior to March 2020, June 2020 and June, 2020 respectively.

For Petitioners : Mr.L.Shaji Chellan

For R1 : Mr.P.Gunasekaran

For RR 2 & 3 : Mr.J.Padmavathi Devi, Spl.G.P.

COMMON O R D E R

The prayer sought for in these writ petitions is for a Writ of Mandamus, forbearing the respondents from withholding or deducting or effecting any recovery from the petitioners' pension account PPO Nos.R1509704, C327731/PW and R1511139/PW respectively and consequently direct the respondents to continue the pension paid to



the petitioners prior to March 2020, June 2020 and June, 2020 respectively.

2.The petitioners are pensioners and they have been receiving pension of Rs.42,543/-, 40,952/- and 28,391/- per month respectively and this has been suddenly reduced to Rs.36,484/-, 35,113/- and 24,217/-, after deducting a sum of Rs.6,059/-, 5,839/- and 4,174/- respectively, from the month of March 2020, June 2020 and June 2020 respectively. Challenging such reduction, the present writ petitions have been filed seeking a writ of Mandamus to direct the respondents not to deduct the amount of pension so far received by the petitioners, as this deduction has suddenly been impacted against the petitioners without any notice on them.

3. 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 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 petitioners. Therefore, such a reduction is bad in law.

4. I have heard Mrs.P.Gunasekaran, learned standing counsel for the first respondent and the learned Special Government Pleader 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 petitioners' grievance is only to the effect that no notice has 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 the 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 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 these writ petitions to the following effect:

"that the respondents are hereby directed not to deduct or reduce the pension hitherto received by the writ petitioners till the month of March 2020, June 2020 and June 2020 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 petitioners with regard to the proposal of reduction of pension and after giving an opportunity of being heard to the petitioners, 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, after the final order is passed by the



third respondent, as indicated above. Till such time, the present pension, which was paid to the petitioners till the month of March 2020, June 2020 and June 2020 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 (AD-II)

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/ /2021

Sub Assistant Registrar (CS)

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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 Engineer in Chief and Chief Engineer (General),
Public Works Department, Chepauk,
Chennai - 600 005.

3. The District Treasury Officer,
District Treasury,
District Collectorate Campus,
Madurai- 625 020.

+3cc to Mr. L. Shaji Chellan, Advocate Sr.No.18169 to 18171
+1cc to SPL GP Sr.No.18230

Order made in

W.P. (MD) Nos.12696, 12703 and 12709 of 2020

25.09.2020

VB (07.01.2021) 3P 8C

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