



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.14736 of 2014

N.Devamatha

... Petitioner

-Vs-

1.The Account Officer,
Office of the Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai-600 018.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Additional Assistant Elementary Officer,
Udangudi, Thoothukudi District.

4.The Head Master,
Duraishivan Primary School,
Paraman Kuruchi,
Thoothukudi District.

5.The Treasury Officer,
Tuticorin.

6.The Sub-Treasury Officer,
Tiruchendur.

... Respondents

[R5 and R6 are impleaded as *suo-motu* vide
order dated 07.12.2020 in W.P(MD)No.14736 of 2014]

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to forward the petitioner's Service Register to the first respondent and consequently, direct the first respondent to release the third installment arrears (revised pay, commutation and gratuity) as per the VI Pay Commission recommendation to the petitioner within a time stipulated by this Court.



For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.P.Gunasekaran (for R1)

Mrs.S.Srimathy
Special Government Pleader
(for R2 and R3)

No Appearance (for R4)

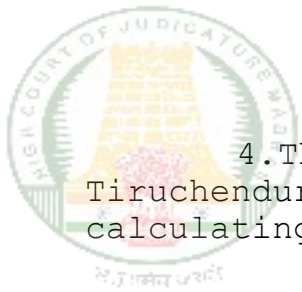
Mr.S.Dhayalan
Government Advocate (for R5 and R6)

ORDER

The relief sought for in the present writ petition is to direct the third respondent to forward the petitioner's Service Register to the first respondent and consequently, direct the first respondent to release the third installment arrears (revised pay, commutation and gratuity) as per the VI Pay Commission recommendation to the petitioner.

2.The grievance of the writ petitioner is that the third installment arrears, as per the Government Orders, are yet to be settled in favour of the writ petitioner. The petitioner served as Headmistress and retired from service on 30.06.2007. The first respondent had stopped the third installment arrears during the audit of pay fixation and thereafter, the third final installment arrears are not paid to the petitioner. She has sent several representations and there was no response. As per the direction of this Court, the learned counsel appearing on behalf of the first respondent submitted the copies of the second arrears passed by the Principal Accountant General of Tamil Nadu. As per the instructions given to the learned Special Government Pleader, in letter, dated 23.07.2020, it is clearly stated that revision of pension with reference to G.O.Ms.No.234, Finance (PC), dated 01.06.2009 was done by the office of the first respondent in June 2010 and the revised authorisations in respect of Smt.Devamatha (writ petitioner) were issued to the Treasury Officer, Tuticorin on 11.06.2010. However, the revised pension was inadvertently mentioned as Rs.13,745/- with effect from 01.07.2007 instead of Rs.13,325/- with effect from 01.7.2007, which has resulted in the excess payment of pensionary benefits for the period from 01.07.2007 to 31.12.2010.

3.Therefore, the Treasury Officer, Tuticorin was intimated the corrected revised benefits on 21.04.2015 with instructions to adjust the excess paid pension and dearness allowance from the third installment of Pay Commission Arrears, which was pending to be disbursed by the Treasury Officer, Tuticorin.



4.The Treasury Officer, Tuticorin (Sub Treasury Officer, Tiruchendur) is the Disbursing Officer, who is responsible for calculating and disbursing the revised pensionary benefits.

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5.The revised authorisation was issued by the office of the first respondent in proceedings No.P23/1/12313753/PP0, dated 21.04.2015 and the authorisation was addressed to the Treasury Officer, Tuticorin. The learned counsel for the petitioner states that the petitioner has not received any such revised authorisation from the office of the first respondent. However, now the learned counsel for the first respondent produce the loss and the copy of the revised authorisation and under these circumstances, the Treasury Officer, Tuticorin and the Sub-Treasury Officer, Tiruchendur are *suo-motu* impleaded as respondents in order to implement the orders of the first respondent, dated 21.04.2015. Accordingly, the impleaded respondents 5 and 6 are directed to verify the pension records of the writ petitioner and disburse the amounts due to the writ petitioner in accordance with the revised authorisation of pension issued by the first respondent/Principal Accountant General in proceedings, dated 21.04.2015. The exercise is to be done by the respondents 5 and 6 within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Additional Assistant Elementary Officer,
Udangudi, Thoothukudi District.
- 3.The Treasury Officer,
Tuticorin.



4.The Sub-Treasury Officer,
Tiruchendur.

+1 CC to M/s.S.SASI KUMAR, Advocate (SR-24555[F] dated 09/12/2020)

+1 CC to M/s.GP (SR-24610 & 24634[F] dated 09/12/2020)

W.P. (MD) .No.14736 of 2014

07.12.2020

PK (CO)

NR (16/12/2020) 4P : 7C