



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.10094 and 14687 of 2015

and

M.P (MD)Nos.2 & 3 of 2015 & W.M.P(MD)No.3040 of 2016

in WP(MD)No.10094 of 2015

and

M.P(MD)Nos.2 & 3 of 2015 in W.P(MD)14687 of 2015

WEB COPY

1.T.R.Ramasamy
2.M.V.Krishnamoorthy
3.R.Guruva
4.R.Thirugana Sambanda : Petitioners in WP.10094/2015

1. Tamil Nadu Senior Citizens
And Pensioners Welfare Association,
Represented by its President Mr.K.K.Kalidoss
Madurai.

2.K.Nallathambi
3.K.Veluchamy
4.I.C.Balasundaram
5.Irshad Banu : Petitioners in WP.14687/2015

Vs.

State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance (PGC) Department,
Government of Tamil Nadu,
Fort St.George
Chennai - 9. : Respondent in WP.10094/2015

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The Principal Secretary to Government
Finance (Pension) Department,
Government of Tamil Nadu,
Secretariat
Chennai - 600 009. : Respondents in WP.14687/2015

PRAYER in WP.10094/2015: Writ Petition under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified Mandamus,
calling for the records relating to the impugned G.O.No.363 Finance



(PGC) Department dated 23.08.2013 and G.O.(Ms)No.200 Finance (PGC) Department dated 31.07.2014 and the clarificatory letter No.51882/PGC/2013, Finance dated 30.09.2013 and in No.61495/(MS)/PGC/2013 dated 04.02.2014 issued by the respondent and quash the same and consequently direct the respondent to issue fresh orders for revising the pension of those who retired between 01.06.1988 and 31.12.1995 by treating the dearness allowance drawn by the employees at the time of the retirement and permitting refixation of their pension as per G.O.Ms.No.174 Finance (pay cell) Department dated 21.04.1998 and as per G.O.Ms.No.235 Finance (pay cell) Department dated 01.06.2009 and to draw arrears and to extend the said revision of benefits to all the family pensioners and their legal heirs also.

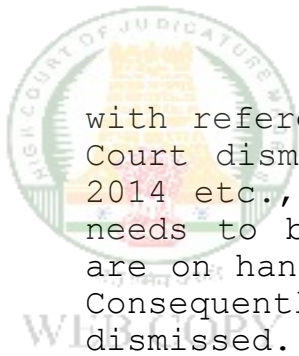
PRAYER in WP.14687/2015: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned G.O.No.363 Finance (PGC) Department dated 23.08.2013 and the clarificatory letter No.51882/PGC/2013, Finance (PGC) Department, dated 30.09.2013 and No.61495/(Ms)/PGC/2013 Finance (PGC) Department dated 04.02.2014 issued thereon by the 2nd respondent and quash the same and consequently direct the respondents to extend the benefits conferred to the pensioners who retired between 01.06.1988 and 31.12.1995 by taking into account the dearness allowance drawn by them on the date of their superannuation as a whole as "dearness Pay" while computing their pension and pensionary benefits in the light of the order made by the Hon'ble Supreme Court in Civil Appeal Nos.8848-8849 of 2012, dated 17.01.2013.

For Petitioner (in W.P10094/15)	: Mr.S.Anwar Sameem For M/s.Ajmal Associates
For Petitioner (in W.P14687/15)	: Mr.M.Mahaboob Athief For M/s.Ajmal Associates
For Respondents (in both WPs.)	: Mr.G.Arjunan Govt.Advocate

COMMON ORDER

The Government order issued in G.O.Ms.No.36, Finance Department, dated 23.08.2013, is sought to be quashed in the writ petition.

2. The writ petitioners are the retired State Government employees, retired between 01.06.1988 and 31.12.1995. The issue with reference to the pay anomaly, revision of pension and grant of allowances were adjudicated by the High Court as well as by the Hon'ble Apex Court of India. The issues were settled. This apart,



with reference to the very same relief, the Principal Bench of this Court dismissed the Writ Petitions on 15.05.2020 in W.P.No.4874 of 2014 etc., batch. This being the factum, no further consideration needs to be undertaken in respect of the similar petitions, which are on hand. Thus, the writ petitions stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Principal Secretary to Government,
Finance (PGC) Department,
Government of Tamil Nadu,
Fort St.George
Chennai - 9.

2. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

+1 CC to the SPL GP (SR-19887[F] dated 13/10/2020)

W.P. (MD)Nos.10094 and 14687 of 2015

12.10.2020

SE (CO)

CS(21.10.2020) 3P 4C