

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12881 of 2019

Dr.K.V.Subba Reddy

.. Petitioner

-vs-

- 1.The Union of India,
Rep. by its Secretary to Government
Ministry of Home Affairs,
New Delhi.
- 2.The Secretary to Government Cum Chairman, PVCS,
Animal Husbandry and Animal Welfare Department,
Government of Union Territory of Puducherry,
Puducherry.
- 3.The Dean,
Rajiv Gandhi Institute of Veterinary Education and
Research,
Pondicherry Veterinary College Society,
Kurumbapet,
Puducherry - 605 009.
- 4.The Secretary to Government,
Department of Personnel and Administrative Reforms,
Government of Union Territory of Puducherry,
Puducherry.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the Respondents to disburse the monthly pension payable to the petitioner as per the pension payment order dated 28.05.2010 and the arrears of monthly pension due to the petitioner with interest at the rate of 18 percent per annum with effect from August 2018 till the date of disbursement.

For Petitioner : Mr.A.Selvaraj

For Respondent-1 : Mr.Avinash Krishnan Ravi

For Respondents-2 & 3 : Mr.Stalin Abhimanyu

For Respondent-4 : Mrs.N.Mala
Government Advocate

O R D E R

The petitioner has come forward with the present writ petition seeking a direction to the respondents to disburse the monthly pension payable to the petitioner as per the Pension Payment Order dated 28.05.2010 and the arrears of monthly pension due to the petitioner with interest at the rate of 18% per annum with effect from August 2018 till the date of disbursement.

2. The case of the petitioner is that he retired from service as Professor of Veterinary College and that he has not been paid pension for nearly two years and that the respondents may be directed to pay the pension payable to the petitioner together with interest @ 18% per annum. He would further submit that the benefit of 7th Pay Commission has also not been extended to him and the same may be directed to be implemented. He further added that a similarly placed employees have been extended the benefit of 7th Pay Commission and arrears have also been paid.

3. Mr. Stalin Abhimanyu, learned counsel appearing for the 2nd and 3rd respondents would submit that the petitioner has been paid nearly a sum of Rs.25 lakhs from August, 2018 till December, 2020 and the 7th Pay Commission has not been extended to any one. He further submitted that due to Covid-19 situation even regular employees have not been paid regularly and as per his instruction the entire arrears upto December, 2020 has already been paid. According to him the relief sought for by the petitioner is not with regard to the extension of 7th Pay Commission and that according to his instructions, none of the retired employees have been extended the benefit of 7th Pay Commission.

4. In reply, the learned counsel appearing for the petitioner would submit that the petitioner has not been paid the pension for the month of January and February, 2021 and that other retired employees have been extended the benefits of 7th Pay Commission.

5. Heard both parties.

6. It is not in dispute that the petitioner, who retired from service as Professor, has not been paid arrears of pension and that he has knocked at the doors of this Court for disbursement of pension together with interest. The petitioner has not disputed the fact that the pension has been paid upto December, 2020 and beyond that no amount has been paid. It is also brought to the attention of this Court by Mr. Stalin Abhimanyu that the 7th Pay Commission benefits have not been extended to any retired employees. The petitioner has already been paid the amount upto December, 2020 based on the 6th Pay Commission. Taking note of the aforesaid facts, if there is any discrepancy with regard to the pension amount payable to

the petitioner, it shall be worked out and paid. In case, any of the retired employees were already extended the benefit of 7th Pay Commission, it should be extended to the petitioner within a period of four months from the date of receipt of a copy of this order. The pension amount for the month of January and February, 2021 shall be paid on par with the other retired employees. Though the petitioner would be entitled to interest from August 2018 to December 2020, taking note of the Covid-19 situation and the financial crunch, this Court is not inclined to order payment of interest.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Union of India,
Ministry of Home Affairs,
New Delhi.
- 2.The Secretary to Government Cum Chairman, PVCS,
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Government of Union Territory of Puducherry,
Puducherry.

+1cc to Mr.A.Selvaraj, Advocate SR.No. 14667
+1 cc to Government Pleader Sr.No. 14684

W.P.No.12881 of 2019

ss(CO)
A.SK(09.07.2021)