



WP No.42241 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.42241 of 2016

T.Murugesan

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Petitioner

VS.

1.State of Tamil Nadu Represented by its
Principal Secretary to the Government,
Finance (PGC) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3.The Commissioner of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai – 600 018.

..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the clarification letter issued by the first respondent in Letter No.61495(Ms)/PGC/2013 Finance (PGC) Department dated 04.02.2014 and its allied Letter No.24056/PGC/2014-1 Finance (PGC) Department dated 28.05.2014 as null and void and unenforceable in the eye of law direct the first respondent to issue orders for the payment of arrears of Dearness Allowance for the date of retirement to till date as the Dearness Allowance / Pay is one of the many component, which go into the eventual determination of pension as specifically indicated by the Apex Court in paragraph-30 of its judgment dated 17.01.2013 and direct the first respondent to issue instruction to the third respondent to revise the pension automatically as per G.O.174 dated 21.04.1998 and G.O.235 dated 01.06.2009 as already in paragraph-15 of G.O.363 dated 23.08.2013 as far as the petitioner is concerned and pay the consequential arrears.

For Petitioner : Mr.A.R.Nixon

For Respondents-1 and 3 : Mr.V.Ravi,
Special Government Pleader.

ORDER

The issues raised in the present writ petition were already



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adjudicated before the Hon'ble Supreme Court of India and the Apex Court delivered a judgment on 17.01.2013 in Civil Appeal Nos.8848 to 8849 of 2012 filed by the Kallakurichi Taluk Retired Official Association and other Association/individual appellants.

2. Based on the judgment of the Supreme Court, the Government issued G.O.Ms.No.363, Finance Department, dated 23.08.2013. As per the Government Orders issued, the exercise of revisions were already done by the State in respect of all the pensioners, who all are falling within the category of the retired employees between 01.06.1988 and 31.12.1995.

3. In view of the fact that the issues were decided by the Supreme Court and based on the Government Orders issued pursuant to the orders of the Supreme Court, the revisions were effected, no further exercise to reconsider the issue is required.

4. Consequently, the writ petition stands dismissed. However,



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there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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S.M.SUBRAMANIAM, J.

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