



WEB COPY

W.P.No. 524 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 524 of 2016

and

W.M.P.No. 358 of 2016

A. Neelavathi

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by the Principal Secretary
to Government,
Finance (PGC) Department,
Fort St. George, Chennai – 600009.

2. The Accountant General (A&E),
Chennai – 600018.

.. Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in G.O.NO. 363, Finance (PGC) Department dated 23.08.2013 and quash the same and direct the first respondent to treat the dearness allowance actually received by petitioner's husband Mr. L. Abbu Naidu at the time of his retirement in the Fifth Pay Commission scale of pay from 1-06-1988 to 31.12.1995 as dearness pay for the purpose of calculation of pension and also extend the said benefit to the petitioner (a family pensioner) and grant all consequential benefits to the petitioner.



For Petitioner : Mr. P.Mohanraj
For Respondents : Mr.M. Rajendiran
Additional Government Pleader
for R1
Mrs. T. S. Selvarani
for R2

ORDER

The writ petition has been filed to quash the order passed by the Government in G.O.No. 363, Finance (PGC) Department dated 23.08.2013.

2. The petitioner states that her husband Mr. Abbu Naidu was working as Peon in the Government Boys Higher Secondary School and retired from service on 31.03.1989. He was sanctioned pension and husband of the petitioner died on 04.01.1997. Thereafter, the writ petitioner is receiving family pension. The petitioner challenges the Government Order issued in G.O.No. 363, Finance (PGC) Department dated 23.08.2013, regarding the grant of dearness allowance. The said G.O.No. 363, was issued based on the judgment of the Hon'ble Supreme Court of India dated 17.01.2013 in ***Civil Appeal Nos. 8848 -8870 of 2012 etc.***, filed by the ***Kallakkurichi Taluk Retired Official Association, Tamil Nadu, etc. Vs State of Tamil Nadu.*** Thus, the impugned G.O. was issued in implementation of the orders of the Hon'ble Supreme Court of India.



3. That apart, the learned counsel appearing on behalf of the Principal Accountant General of India brought to the notice of this Court that pursuant to the Government Order, the revision of scale of pay was considered. Accordingly the correctness of the fixation was verified by the competent authority and therefore no further consideration needs to be undertaken in respect of the claim of the writ petitioner. Since the order impugned was quashed in implementation of the orders of the Hon'ble Supreme Court of India, the relief as such sought for cannot be granted in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

1. The Principal Secretary
to Government,
The Government of Tamil Nadu
Finance (PGC) Department,
Fort St. George, Chennai – 600009.

2. The Accountant General (A&E),
Chennai – 600018.

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S.M.SUBRAMANIAM, J.

mrn

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