



W.P.(MD) No.13264 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

W.P.(MD) No.13264 of 2022

K.Arumugam

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Additional Chief Secretary to Government,  
Finance (Pay Cell) Department,  
Secretariat,  
Chennai – 600 009.

2.The Under Secretary to Government,

Finance (Pension) Department,  
Secretariat,  
Chennai – 600 009.

3.The Principal Accountant General (A & E),

No.361, Anna Salai,  
Teynampet,  
Chennai – 600 018.

4.The Assistant Treasury Officer,

Sub Treasury,  
Thiruverumbur,  
Trichy District.

... Respondents

*(4<sup>th</sup> respondent has been suo motu impleaded by this Court, by order, dated 22.07.2022 in W.P.(MD).No.13264 of 2022)*



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**WEB COPY PRAYER:** Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records related to the order No.4/Pension/2022, dated 08.01.2022, passed by the 2<sup>nd</sup> respondent and quash the same and consequently, direct the 1<sup>st</sup> respondent to pass orders to grant the First Slab of Additional Pension of 20 percent earmarked from 80 years to the petitioner with effect from 01.04.2021 i.e. starting from the beginning of 80<sup>th</sup> year, in the light of the order 08.07.2019, passed by the Honourable Supreme Court of India to SLP (Civil) No.18133 of 2019 and thereby upholding the order dated 15.03.2018 of the Division Bench of Honourable Gauhati High Court passed in WP(C) No.4224 of 2016 (Virendra Dutt Gyani, Indore Vs. The Union of India and Others) and grant monetary benefits within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondent : Mr.R.Ragavendran for R1 and R2  
Government Advocate

Mrs.Mahalakshmi for R3  
Standing Counsel



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## **ORDER**

Heard the learned counsel appearing for the petitioner, the learned Government Advocate, appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent.

2.The petitioner's claim for enhanced additional pension of 20% on reaching the age of 80 years came to be rejected by the Government stating that such enhanced additional pension is the policy decision of the Government and therefore, not feasible to compliance.

3.The reasoning adopted by the Government may not be correct in view of their own order in G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, which provides for 20% of additional pension / family pension for the pensioners, who attained the age from 80 years to 84 years. When the Government order itself facilitates the additional quantum of pension at the rate of 20% for the pensioners, who have reached the age of 80 years, the reason that such a decision is a policy decision of the Government may not be correct. As such the petitioner would be entitled for additional pension of



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**WEB COPY** 20% from the date on which he has reached the age of 80 years.

4.At this juncture, the learned Standing Counsel for third respondent submits that the appropriate Authority to sanction the additional pension would be the Assistant Treasury Officer, Sub Treasury, Thiruverumbur of Trichy District. Accordingly, the Assistant Treasury Officer, Sub Treasury, Thiruverumbur, Trichy District, is *suo motu* impleaded as party respondent in this case.

5.In the light of the above findings, the petitioner is granted liberty to make an appropriate application to the Assistant Treasury Officer, Sub Treasury, Thiruverumbur, Trichy District, seeking for additional pension at the rate of 20% and on receipt of such an application, the Assistant Treasury Officer, Sub Treasury, Thiruverumbur, Trichy District, shall pass orders, granting additional pension in terms of G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, within a period of two weeks from the date of receipt of the application from the petitioner.



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**WEB COPY** 6. This writ petition stands allowed. No costs.

**22.07.2022**

Index : Yes / No  
Speaking Order/ Non Speaking Order

TM

To

- 1.The Registrar of Co-operative Societies,  
O/o. Registrar of Co-operative Societies,  
No.170, N.V.Natarajan Maligai,  
Periyar EVR Highway,  
Kilpauk,  
Chennai – 600 010.
- 2.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 3.The Chairman,  
District Recruitment Bureau,  
Ramanathapuram Region,  
Ramanathapuram, Ramanathapuram District.
- 4.The Joint Registrar of Co-operative Societies,  
O/o. Joint Registrar of Co-operative Societies,  
1<sup>st</sup> Floor in the Treasury Office,  
District Collectorate Campus, Ramanathapuram,  
Ramanathapuram District.

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**M.S.RAMESH,J.**

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**22.07.2022**