



W.P.(MD).No.20562 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.20562 of 2014

and

M.P(MD)No.1 of 2014

P.Mayakrishnan

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts & Entitlements),
Chennai-18.

2.The Principal Secretary to Government,
Finance Department, (Pension),
Government of Tamil Nadu,
Chennai-600 009.

3.The Superintendent of Police,
Karur,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pass orders on the representation of the petitioner dated 16.01.2014 and to pay the full pension in the calculation of 50% of emoluments last pay drawn by the



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petitioner (basic pay + grade pay) as per G.O.Ms.No.499 dated 13.10.2009 from March 2012 after deducting the amount paid to the petitioner every month as Rs.3050/- and continue to pay along with gratuity and commutation of pension.

For Petitioner : Mr.A.S.Mujibur Rahman
For R1 : Mr.P.Gunasekaran
For R2 & R3 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner was originally appointed in Tamil Nadu Police Department on 24.05.1999 and rendered 12 years of service. Subsequently, he was absorbed in Bharat Heavy Electricals Limited, Trichy on the basis of permanent absorption and the petitioner is still in service in BHEL, Trichy.

2. The contention of the petitioner is that he is receiving pension for the service rendered in Police Department. The petitioner is relying on communication, dated 28.09.2013, wherein the Superintendent of Police, Karur who is the 3rd respondent herein, has sent a communication to the Treasury Officer, District Treasury, Karur that the petitioner is entitled to monthly



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pension of Rs.5,610/- (Rupees Five Thousand Six Hundred and Ten only). Even though the higher authority has mentioned that the petitioner is eligible for Rs.5,610/- (Rupees Five Thousand Six Hundred and Ten only) as pension, the 1st respondent/Accountant General has disbursed only Rs.3,050/- (Rupees Three Thousand and Fifty only) as monthly pension. Aggrieved over the same, the present writ petition is filed.

3. The 1st respondent has filed a counter stating that the petitioner has completed only 12 years 9 months 23 days of service and hence, he is entitled to proportionate pension for the said qualifying service for the period from 24.05.1999 to 15.03.2012. However, the 3rd respondent has erroneously calculated 50% of last pay drawn and fixed pension as Rs.5,610/- (Rupees Five Thousand Six Hundred and Ten only) and the said mistake was brought to knowledge of the 3rd respondent. Thereafter, it was rectified and as per rules, the petitioner's pro-rata pension was fixed and the petitioner is receiving the same.

4. After hearing the rival submissions this Court is of the considered opinion that the 3rd respondent has committed mistake while calculating the



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pension, subsequently it was rectified by the 1st respondent. The petitioner is being paid correct pension as per rules. The claim of the petitioner cannot be entertained. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal Accountant General,
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S.SRIMATHY, J.

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