



W.P(MD)No.9060 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.9060 of 2015

S. Chinnadurai,

: Petitioner

Vs

1. The Chief Secretary,
Government of India,
New Delhi

2. The Secretary,
Ministry of Defence,
Government of India,
Department of Ex-Servicemen Welfare,
New Delhi

3. The Secretary,
Ministry of Finance,
New Delhi

4. The Indian Ex-Servicemen Movement,
An All India Federation of
Military Veteran's Organization,
543, Sector - 23,
Gurgaon - 122017,
Haryana,
India

: Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue the Government Notification for the implementation of One Rank One Pension (OROP) Scheme in pursuance to the order dated April 2014 in respect of the second respondent and the Memorandum of Representation dated 01.02.2015 of the fourth respondent addressed to the second respondent within a period stipulated.

For Petitioner : Mr.V.Muniasamy

For R1 to R3 : Ms.L.Victoria Gowri

Assistant Solicitor General of India

ORDER

The present writ petition has been filed for issuance of writ of Mandamus, to direct first respondent to issue Government Notification for the implementation of One Rank One Pension Scheme in pursuance to the order dated April 2014, in respect of the second respondent and the memorandum of representation, dated 01.02.2015 of the fourth respondent addressed to the



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second respondent.

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2. The brief facts of the case as stated in the writ petition are that there was a long standing demand of the Armed Forces Veteran's for One Rank One Pension benefit. The Government of India accepted for implementing the Scheme from 01.04.2014 and the One Rank One Pension benefit is available to the Ex-Servicemen from the financial year 2014-2015. The fourth respondent submitted a memorandum of representation, dated 01.02.2015 to the second respondent for issuing Government Notification in pursuance of the order dated 01.04.2014. The NGO, Mass Education and Action for Rural Development Society functioning at Kariapatti, Virudhunagar had also submitted a representation dated 15.05.2015, for implementing the One Rank One Pension. On 31st May, 2014 the Hon'ble Prime Minister of India had announced that One Rank One Pension Scheme will be implemented by the Government. Thereafter, the first respondent had issued notification for implementation with financial year from 01.04.2014 to 31.03.2015. Since the respondents have not implemented the same, the present writ petition had been filed.



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3. Pending this petition, a similar petition was filed before the Hon'ble Supreme Court in Writ Petition (Civil) No.419 of 2016.

4. When the case was taken up for hearing, the learned Assistant Solicitor General appearing for the respondents 1 to 3 brought to the notice of this Court that the present writ petition was already considered by the Hon'ble Supreme Court and an elaborate order was passed on 16.03.2022.

5. The learned Counsel appearing for the petitioner also accepts that the issue was considered however, the learned Counsel submits that the policy was implemented with effect from 2014-2015. But, based on this circular to issue One Rank One Pension, the fixation was not appropriately carried out.

6. It is seen that the policy decision was taken by the Central Government and had already implemented scheme and the petitioner also received the benefits as per the One Rank One Pension Scheme. However, the claim of the petitioner is that the fixation is not appropriately carried out as per the Government order.



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7. Therefore this Court is of the considered opinion that the petitioner is at liberty to submit a fresh representation to the first respondent to this effect and the first respondent shall consider the claim of the petitioner and pass orders, on merits and in accordance with law, within a period of four months, from the date of receipt of a copy of this order. With the above observation, this writ petition stands disposed of. No costs.

15.09.2022

Index : Yes / No

Internet : Yes/ No

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Department of Ex-Servicemen Welfare,
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3. The Secretary,
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