



W.P.No.19314 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19314 of 2010 &
M.P.No.1 of 2010

Tamil Nadu Agricultural University
Pensioners Association
TNAU Campus, Coimbatore 641 003
rep., by its President
S.Muthuswami

... Petitioner

Vs

State of Tamil Nadu
Rep., by its Secretary Finance (P.G.C) Dept.,
Fort., St., George,
Chennai – 600009.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the letter No.67230/Finance (P.G.C) Department dated 18.12.2009, of the Joint Secretary to Government, Finance (P.G.C.) Department sent by the respondent and quash the same

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thereby direct the Secretary to Government, Finance (P.G.C) Department to extend the benefit of G.O.Ms.No.271, Finance (Pension) Department, dated 15.06.1998 and common order passed in G.O.Ms.No.579 Fin.(Pen) dated 15.09.2006 to the members of the petitioner of this Writ Petition and to revise their pension with effect from 01.06.1988 and pay the arrears of pension and the consequential pensionary benefits to them within a stipulated period.

For Petitioner : Mr.AR.Nixon

For Respondents : Mr.A.R.Neethi Perumal GA

ORDER

The Writ Petition had been challenged rejecting the request of the petitioner by the impugned order dated 22.12.2009, on the ground that the petitioner's pay scales are governed by UGC and as such, the benefits given under G.O.Ms.No.810, Finance (Pay Cell) Department, dated 09.08.1989 read with G.O.Ms.No.271, Finance (Pension) Department, dated 15.06.1988 and G.O.(Ms)No.579 Finance (Pension) Department, dated 15.09.2006 was not acceptable to the respondent Government.

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2. Thereafter by G.O.Ms.NO.226, Finance (PGC) Department, dated 29.07.2010, the Government had taken a policy decision extending the benefit of G.O.(Ms)No.579 Finance (Pension) Department, dated 15.09.2006 to similarly placed persons as that of the petitioner. For better appreciation, the relevant portion of the G.O.Ms.No.226, dated 29.07.2010 is extracted hereunder:-

7) The Government after careful consideration decided to implement the orders of the High Court dated 09.11.09 issued in the W.P.Nos.26356 of 2008 and 4096 and 11000 of 2009, Government, accordingly direct that the orders issued in G.O.(Ms).No.271/Finance (Pension) Department, dated 15.06.1988 in respect of Ambasamudram Taluk Pensioners Association and subsequently, extended to all the pensioners/family pensioners in G.O.(Ms) No.579/Finance (Pension) Department, dated 15.09.2006 are now be extended to pensioners/family pensioners governed by U.G.C., scale of pay who



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retired/died after 01.06.1960 till 31.05.1988, and whose pension/family pension plus dearness allowance at 608 points p.m., does not exceed Rs.500/- shall be refixed with effect from 01.06.88 by increasing the sum total of basic pension and the related dearness allowance at 608 points with 60% and whose pension/family pension plus dearness allowance at 608 points exceeds Rs.500/- shall be refixed with effect from 01.06.1988 by increasing the sum total of basic pension and related dearness allowance at 608 points with 50%.

3.In such view of the matter, the Writ Petition is allowed and the impugned order passed by the respondent is set aside and the respondent is directed to consider the request of the petitioner as per G.O.Ms.No.226, dated 29.07.2010. Such exercise shall be done within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

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