



W.P.No.29298 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

**CORAM:
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.29298 of 2010
and M.P.Nos.1 of 2010 and 1 of 2011

M.Palanisamy

... Petitioner

Vs

- 1.The Assistant Executive Engineer,
Public Works Department,
Buildings Maintenance Sub Division,
Salem.
- 2.The Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Division,
Salem – 7.
- 3.The Chief Engineer (Buildings),
Public Works Department,Chepauk, Chennai – 600 009.
- 4.The Secretary to Government of Tamil Nadu,
Public Works Department, Fort St.George,
Chennai – 600 009.
- 5.The Secretary to Government of Tamil Nadu,
Finance Department, Fort St.George, Chennai – 600 009.
- 6.The Accountant General of Tamil Nadu,
Office of the Accountant General (A&E),

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361, Anna Salai, Chennai – 18.

... Respondents

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus to call for the records connected with the proceedings of the first respondent in No.Che.Mu.Ka.No.22/2010 dated 30.11.2010 and consequent letter from the first respondent to the 6th respondent in Ka.Ko.22/2010 dated 30.11.2010 and quash the same and further direct the respondents to continue to pay petitioner the pension as being received now without any reduction in the scale of Rs.5000-8000.

For Petitioner : No appearance

For RR1 to : Mr.A.M.Ayyadurai
Government Advocate

For R6 : Ms.T.S.Selvarani

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent in No.Che.Mu.Ka.No.22/2010 dated 30.11.2010 and consequent letter from the first respondent to the 6th respondent in Ka.Ko.22/2010 dated 30.11.2010 and quash the same and further direct the respondents to continue to pay petitioner the pension as being received now without any reduction in the scale of Rs.5000-8000.



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2. When the matter is taken up for the hearing, there was no representation on behalf of the petitioner.

3. Heard, Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 to 5 and Ms.T.S.Selvarani, learned counsel appearing for the 6th respondent.

4. By order impugned, the 1st respondent herein had communicated that pursuant to the various orders, there is a proposal for revision of the pension and the same had been challenged by the petitioner with consequential direction not to reduce the pension that has been paid to him by the 6th respondent. At paragraph 10 of the counter, wherein, a specific averment has been made by the 6th respondent that in respect of the revision proposal forwarded by the 1st respondent, the 6th respondent had not taken any decision to reduce the pension of the petitioner and the petitioner would continue to receive the

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same pension that he has been receiving as on the date of the Writ Petition. For better appreciation, the relevant paragraph of the counter is extracted hereunder:-

“10. It is also submitted that the sixth respondent office had not taken a decision to reduce the pension of the petitioner in spite of revised proposals forwarded by this first respondent for reduction of pension. Thus, the petitioner continue to receive pension in the higher scale of 5000-150-8000 at Rs.5450 + 100 + 250 PP with effect from 1.11.2005. Thus there could be no grievance to the petitioner and he continues to draw pension based on the applicable scale of 5000 – 150 8000.”

5. In view of the aforesaid factual material, I do not find any necessity to further adjudicate upon the matter and hence, this Writ Petition is closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

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K.KUMARESH BABU, J.

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