IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.8071 of 2012
W.M.P.No.2109 of 2018

G.Renganathan ... Petitioner

-Vs-

1. Pay and Accounts Officer
   Central Pension Accounting Office,
   Ministry of Finance, Government of India,
   New Delhi 110 066

2. The Regional Director (Food), Southern Region,
   Shastri Bhavan, Haddows Road,
   Chennai 600 006

3. Pay and Accounts Officer,
   Ministry of Food, Shastri Bhavan,
   Haddows Road, Chennai 600 006

4. The Branch Manager,
   State Bank of India,
   "Vivekananda House",
   Triplicane, Chennai 600 005 ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent made in PAO(F) / CH/PEN/R109 (R) / 57/10-11/945-950 dated 27.10.2010 and quash the same as illegal, arbitrary and non-est in law and consequently direct the respondents to enhance the pension of the petitioner as per V and VI Pay Commission Reports correspondingly with effect from 01.01.1996 and 01.01.2006 respectively and in terms of the Section 12A(4)(b) r/w 12A(4)(c) of the F.C.I. Act with all consequent benefits arising thereof.

(Prayer amended vide order dated 22.09.2020 made in WMP.No.20699 of 2019 in WP.No.8071 of 2012 by SVNJ)

For Petitioner	: Mr.M.B.Gopalan & Associates and Mr.M.B.Raghavan
For Respondents	: Mr.Venkataswamy Babu, Senior Panel Counsel for R1 & 2
	: Mr.K.Mohanamurali, Senior Panel Counsel for R3
	: Mr.K.Chandrasekaran for R4

ORDER

This writ petition has been filed to call for the records of the third respondent made in PAO(F) / CH/PEN/R109 (R) / 57/10-11/945-950 dated 27.10.2010 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the respondents to enhance the pension of the petitioner as per V and VI Pay Commission Reports correspondingly with effect from 01.01.1996 and 01.01.2006 respectively and in terms of the Section 12A(4)(b) r/w 12A(4)(c) of the FCI Act with all consequent benefits arising thereof.

2. The facts of the case in a nutshell are as under:-

2.1 On 01.10.1957, the petitioner joined as Tally Clerk/Godown Clerk in the office of the Assistant Director of Food Department, Government of India at Chennai. In 1965, he was deputed/transferred to serve in the Food Corporation of India in his capacity as Central Government Employee. Initially, he was designated as Assistant Grade III and by gradual promotion, he became Assistant Grade I and in that capacity, he retired from service on 31.07.1992.

2.2 Initially, he was sanctioned a pension of Rs.1,202/-. By proceedings dated 27.02.1997, the 1st Respondent revised the basic pension to Rs.1,644/- with effect from 01.08.1992. Pursuant to this, the 4th Respondent paid the arrears also. In the same order, it was fixed that after commutation, the take home pension would be Rs.1,096/- plus dearness allowance. It was this pension he was drawing till an audit objection was raised by letter dated 30.03.1999 by the Senior Audit Officer, Office of the Accountant General (Audit 1) Tamilnadu & Pondicherry, Chennai - 600 035.

2.3 Pursuant to the order dated 27.02.1997 passed by the 1st Respondent, his pension was fixed at Rs.1096/- per month plus allowances. Based on the standing orders on the recommendation of fifth pay commission and Government of India orders and in December 1997, they fixed a pension of Rs.5,047/- as total amount payable to him. It was revised from time to time and till February 1999, the total amount paid to him was Rs.5,493/- per month.

2.4 It was only in the first week of April 1999, when he went to draw his pension, the 4th Respondent made entry of pension as Rs.1,801/- (reduced pension of Rs.1,096/-plus I.D.A. for Rs.705/-). When he questioned the same, the 4th Respondent informed him that it was based on Audit objection issued by the Senior Audit Officer, Office of the Accountant General (Audit I), Chennai-35. Therefore, challenging the order dated 30.03.1999 issued by the Senior Audit Officer, he filed W.P. No.9535 of 1999 which was allowed on 07.12.1999 setting aside the impugned order therein with liberty to the respondents to pass fresh orders after issuing show cause notice to him.

2.5 Accordingly, a show cause notice was issued on 13.04.2000 and he submitted his explanation on 02.05.2000. Since no orders were passed, he filed Cont. P. No.336 of 2000 and after receiving notice in the contempt application, the respondents' counsel furnished an order dated 17.08.2000 wherein his basic pay - part of pension has been correctly fixed whereas the dearness allowance portion has been erroneously fixed on the alleged Industrial Dearness

Allowance (hereinafter referred to as I.D.A.) pattern, instead of Central Dearness Allowance (hereinafter referred to as C.D.A.) which alone is applicable to him as per Section 12-A (4) (b), r/w 12-A (4) (c).

2.6 The same was challenged in W.P.No.17378 of 2000 and the said Writ Petition was dismissed on 27.11.2002. As against the same, he filed W.A. No.124 of 2003. In the meantime, similarly situated persons like him had filed various writ petitions before various High Courts. The writ petitions were allowed by the respective Hon'ble High Courts and the appeal filed by the Department was also dismissed. The challenge made by the Department before the Hon'ble Supreme Court also ended in dismissal on 10.02.2010 confirming the order of the High Courts, wherein the Hon'ble High Courts gave a finding that the employees are entitled to receive all the benefits of the Central Government Employees and also further declared that in view of the option exercised, persons like him are treated as Central Government Employees. Based on the same, the Writ Appeal filed by him was also allowed by this Court on 13.04.2010.

2.7 Even thereafter, since the respondents did not comply with the orders of this Court, he filed Contempt Application No.1014 of 2010 which was closed on 24.03.2011 observing that no case has been made out for contempt and if the petitioner is still aggrieved, he should approach the appropriate forum for appropriate reliefs.

2.8 Since the respondent has not refixed the pension corresponding to the V and VI Pay Commission Reports with effect from 01.01.1996 and 01.01.2006 respectively, the petitioner made a representation to the respondents on 12.01.2012 requesting them to enhance the pension as per V and VI Pay Commission reports in terms of Section 12 A (4) (b) (r) 12 A (4) (c). Earlier, his pension was enhanced as per V Pay commission and arrears had also been paid before the impugned order in the earlier writ petition dated 17.08.2000, which has been issued on the basis of audit objection, which has been set aside by this Court. In the pension order Book, the Pay & Accounts Office, Chennai, has rightly mentioned the class of pension as Superannuation Pension as per the Central Civil Service Pension Rules and still, there is balance amount of Rs.9,28,059/- as on 31.12.2011 and hence, the present writ petition for the relief as stated above.

3. The learned counsel appearing for the petitioner submitted that the petitioner joined Food Corporation of India in the year 1965 and opted for

Central Rules under Section 12A (4) (b) of Food Corporation of India Act 1964 and he has superannuated on 31.07.1992 and was receiving the pension as per the Central Rules from the year 1992 to 1999. The petitioner was opted for Central Dearness Allowance at the time of retirement. The learned counsel drew the attention of this Court to the order passed by the Division Bench of this Court in W.A.No.124 of 2003 dated 13.04.2010 and the relevant portion of the order is extracted as hereunder:-

> "***This writ appeal has been filed against the order of dismissal dated 29.11.2002 passed in W.P.No.17378 of 2000 filed to quash the order dated 17.08.2000 passed by the third respondent and for a direction to the respondents to fix the pension of the petitioner as applicable to a retired Central Government employee and grant retirement benefits.***
>
> ***2. When the matter came up for hearing, learned counsel for the parties submitted that the issue involved in this appeal is no more res integra in view of the judgment dated 10.02.2010 passed by the Supreme Court in Civil Appeal Nos.238 to 244 (Union of India and another Vs. P.N.Natarajan and others, etc.,) where under the appeals preferred by the Government of India were dismissed thereby directing the authorities to release the amount payable to the employees.***
>
> ***3. In view of the said judgment of the Supreme Court, the order passed by the learned single Judge is set aside. Accordingly, the writ appeal is allowed. No costs."***

4. According to the above judgment the authorities were directed to release the amount payable to the employees as applicable to the retired Central Government Employees and grant retirement benefits. The learned

counsel further submitted that the petitioner was receiving the pension under Central Dearness Allowance from the year 1992 to 1999 and suddenly without giving any notice the same was reduced by applying IDA (Industrial Dearness Allowance) without giving any notice or opportunity to the petitioner and the same is in violation of the principles of natural justice. The learned counsel further drew the attention of this Court to the judgment passed by the Division Bench of this Court in Cont.P.No.1014 of 2010 dated 24.03.2011 and the relevant portion of the order is extracted as hereunder:-

> ***"3. The learned Additional Solicitor General appearing for the respondents 1 to 3 submits that the order passed by this Court has been complied with by the respondents in the month of October 2010 itself. In support of the same, he has produced the reply counter affidavit filed on behalf of the second respondent herein, wherein at paragraph No.16, it has been stated as follows:-***
>
> ***"Therefore it is respectfully submitted that the petitioner is sanctioned Central Dearness Relief on his basic pension from 01.08.1992 in compliance with the order of the Apex Court revision of pension and paid arrears accordingly. The calculation sheet showing the pension sanctioned on various dates and Central Dearness Relief paid to the petitioner is enclosed. Hence there is no deliberate disobedience of the order of the Hon'ble Court".***
>
> ***4. In view of the compliance of the order of this Court dated 13.04.2010 made in W.A.No.124 of 2003, this contempt petition is closed. If the petitioner is aggrieved, it is for him to seek appropriate relief before the appropriate forum. However, there shall be no order as to costs".***

5. The learned counsel further drew the attention of this Court to the judgment of the Division Bench of Kerala High Court in W.A.No.1878 of 2008 dated 17.11.2008 in a similar case and the relevant portion of the judgment is extracted hereunder:-

> ***"17. Even if the memorandum of settlement is held applicable to other employees of the Corporation, the same cannot adversely affect the option exercised by the private respondents in terms of Section 12A (4) (a) and (b) read with Section 12A (4C) of the Act. It has neither been suggested on behalf of the appellants nor it can be laid down as a proposition of law that the bipartite settlement arrived at between the Unions of the employees and the Management of the Corporation could take away the right acquired by the respondents as a sequel to exercise of option in terms of Section 12A(4) (b).***
>
> ***19. In the result, the appeals are dismissed. Each of the private respondents shall get cost of Rs.10,000/- from the appellants".***

6. The learned counsel further submitted that as per the letter dated 03.11.2010 of the Ministry of Consumer Affairs, Food and Public Distribution, Department of Food & Public Distribution, Shastri Bhavan, Chennai addressed to the Accounts Officer, Central Pension Accounting Office, New Delhi and the copy of the letter is extracted as below:-

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PAY & ACCOUNTS OFFICE
MIN.CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION
DEPARTMENT OF FOOD & PUBLIC DISTRIBUTION
SHASTRI BHAVAN, CHENNAI – 600 006.
PHONE: 044 – 28276730

PAO(F)/CH/PEN/R109(R)/168/2010-11/ 980 - 986

03.11.2010

UNDER SPECIAL SEAL

To
The Accounts Officer,
Central pension Accounting Office,
New Delhi.

Sir,

Sub: Updation of pension as per 1997 IDA Pay Commission and authorization of Central DR on IDA pension in r/o Sri.G.Ranganathan, PPO No 03687 92 0141 1
Ref: This office Lr No.PAO(F)/CH/PEN/R109(R)/168/2010-11/945-50/27.10.2010. (copy enclosed)

The Regional Director,(Food), Southern Region, Chennai has sanctioned Central DR in r/oSri. G.Ranganathan as per Supreme Court order. He may be paid central DR @ rates admissible as per IV PCR from 01.08.1992 to 31.12.1995, @ rates issued after V PCR from01.01.1996 to 31.12.2005 and @ rates sanctioned after VI PCR from 01.01.2006.

His basic pension is Rs.2365/- w.e.from 01.08.1992. This has now been updated to Rs.4056/- (Rupees Four thousand and fifty six only) as per 1997 IDA Pay Commission w.e.from 01.01.1997. He has commuted Rs.788/- (Rupees Seven hundred and eighty eight only). Reduced pension w.e.from 01.01.1997 is Rs.3508/- (Rupees Three thousand five hundred and eight only).

Normal rate of Family pension of Rs.792/- is updated to Rs.2168/- (Rupees Two thousand one hundred and sixty eight only) and payable from the date following the date of death of the pensioner.

He is drawing pension through State Bank of India, Vivekananda Branch, Triplicane, Chennai-600005. A/c No is 243169. BSR Code of the bank is 0003275.

The bank may be advised to recalculate the relief as per Central DR, IDA DR and IR already paid should be adjusted against the due amount. Arrears of pension due to 1997 updation also has to be paid by the bank. The rates of reduced pension at various stages will be available in the bank only as differential commuted value of pension was paid by the bank during the revisions.

As the contempt hearing is posted on 08.11.2010 the authority may be issued immediately to the bank.

Yours Faithfully,

(D.Vanaja)
Senior Accounts Officer.

7. The learned counsel further submitted that as per the letter dated 09.11.2010 of the Ministry of Consumer Affairs, Food & Public Distribution addressed to the Pay and Accounts Officer, Department of Food, Shastri Bhavan, Chennai it has been stated that the pension / Family Pension of the petitioner namely G.Renganathan who retired on 31.07.1992 has been revised and necessary revised calculation sheet and OSR of the above official are enclosed for further action and the copy of the letter is extracted as below:-

तार : प्राणिखाद्य
Telegrams : PRANIKHADYA
टेलीफोन / Ph. : 2 827 6423
2 827 6463
फैक्स / Fax : 2 827 6623
E-mail : zmsouth@fci.delhi.nic.in

भारत सरकार
GOVERNMENT OF INDIA
Ministry of Consumer Affairs, Food & Public Distribution
Department of Food & Public Distribution
3, हैडोज रोड, चेन्नै - 600 006
OFFICE OF THE REGIONAL DIRECTOR (FOOD), Southern Region
3, Haddows Road, Chennai - 600 006

No.Estt.39/3/15//98/PEN.I/RDF

Date: 09.11.2010

//UPDATION//

To
The Pay and Accounts Officer,
Department of Food,
Shastri Bhavan,
CHENNAI – 600 006

Sir,

Sub: Revision / Rationalisation / Consolidation of Pension / Family Pension in respect of Shri G. Ranganathan,Retired on 31.07.1992 – Reg.

Ref: 1.Letterr .No. 38020/1/2009/FC.3 dated 01.11.2010 received from Ministry of Food, New Delhi.
2. Letter No.18011/3/2010-FC-3 dated 25.10.2010 received from Ministry of Food, New Delhi.
2. AE.No.PAO (F)/ CH/R.109/R/1075/99-2000/375-378 dated 3/2000.

In pursuance of Ministry's letter under reference 1st and 2nd cited the Pension/ Family Pension in r/o Shri G.Ranganathan, Retired on 31.07.1992 has been revised and necessary Revised Calculation Sheet,and OSR of the above official are enclosed for further necessary action.

we have received the Food Ministry's order under reference 2nd cited for Updating the Pension with effect from 01.01.2007, the calculation sheet prepared by the Department pertaining to Shri G. Ranganathan is forwarded herewith for releasing the same.

Kindly acknowledge the receipt.

Encl as above.

Yours faithfully,

Perianayaki Selvaraj 9/11/10

(PERIANAYAKI SELVARAJ)
MANAGER(PEN-RDF)
FOR REGIONAL DIRECTOR (FOOD)
P.T.O

8. The learned counsel for the petitioner further drew the attention of this Court to the letter dated 01.10.2010 of the Ministry of Consumer Affairs, Food and Public Distribution, Department of Food, Shastri Bhavan, Chennai addressed to the Accounts Officer, Central Pension Accounting Office, New Delhi in which it is stated that the original pension of Rs.2,365/- of G.Ranganathan the petitioner herein was calculated on 1992 IDA Pay scale. It is updated to Rs.6,224/- with effect from 01.01.1996 and further updated to Rs.14,067/- as per VI PCR and the said letter is extracted hereunder:-

PAY AND ACCOUNTS OFFICE
MINISTRY OF CONSUMER AFFAIRS
FOOD & PUBLIC DISTRIBUTION
DEPARTMENT OF FOOD
SHASTRIBHAVAN
CHENNAI-600 006

03.10.2010

PAO(F)/ CH/PEN/R109®/57/2010-11/

UNDER SPECIAL SEAL

To
The Accounts Officer,
Central Pension Accounting Office,
New Delhi.

Sir,

Sub; Authorisation of central DR VI PCR updation in r/o Sri. G.Ranganathan, Asst Gr I, FCI, retired on 31.07.1992.
Ref; Min of CA, Food and PD Fno.18011/3/2010-FC-3/24.09.2010 (copy enclosed)

Sri. G.Ranganathan is a food transferee who opted for central govt terminal benefits at the time of absorption in FCI. He was drawing IDA scale of pay during the service. His pension case was finalized on the basis of 1992 IDA pay scales. The Dearness Relief on pension was authorized as per Min of Food OM No.38020/1/93/FC-3/08.02.1996 in which IDA rates of relief on pension sanctioned by Dept of Public Enterprises was introduced. Sri G.Ranganathan filed a case in Chennai High Court for want of Central DR on pension. Some of the food transferees of Kerala and Karnataka Region also filed cases in High Courts and judgements were given in favour of the petitioners.

The FCI filed SLP in Supreme Court and Supreme Court also has given verdict in favour of the pensioners only. The Ministry has issued the orders for revision of DR in the OM refered . Sri. G. Ranganathan filed a contempt petition and the Court has ordered to settle his case before 04.10.2010

The original pension of Rs.2365/-in r/o Sri. G.Ranganathan is calculated on 1992 IDA pay Scales. It is updated to Rs.6224/-(Rupees Six thousand two hundred and sixty four only) w.e. from 01.01.1996 and further updated to Rs.14067/- (Rupees fourteen thousand and sixty seven only) as per VI PCR. Now he has to be paid central DR at the rates sanctioned from time to time. A statement showing the amount due toward pension and central DR from 01.08.1992 to31.08.2010 is enclosed. The bank would have paid pension and IDA DR and the total amount paid towards pension and IDA relief will be available in the bank only. The bank may be authorized to pay the difference between the due and drawn to the pensioner. The date of birth of Sri.G.Ranganathan is 15.07.1934.

The normal family pension after updation as per VI PCR is Rs. 5452/- (Rupees five thousand four hundred and fifty two only). The name of his wife is Smt. R. Raman and her date of birth is 19.11.1942.

The bank should be cautioned that amount shown in the statement SHOULD NOT BE PAID. The balance after deducting the amount drawn only should be paid.

Encl. One Statement and
Ministry's order dt 24.09.2010

Yours faithfully,

(D.Vanaja)
Senior Accounts Officer

Copy to
1.Sri G Ranganathan,
No.20D,Nagarjuna Nagar,
I Street,
Rangarajapuram,
Kodambakkam
Chennai-600024
2.The Regional Director,
(Food), Southern Region,
Chennai. — Encl: SB Statement
3.The Manager,
State Bank of India,
Vivekananda Branch,
Triplicane
Chennai-600005
3. Sri.M.V.Venkataseshan,
Advocate,
Old No.18, New No. 37, II Floor,
Chakkrapani Street
West Mambalam,
Chennai-600033
4.Sri.K.Mohanamurali,Senior Panel Counsel,
B-22, New No.16,B Block,
6th Street,
Anna Nagar East,
Chennai-600040
5.The Principal Accounts Officer,
Min of CA, Food and PD,
New Delhi.

Senior Accounts Officer

9. In the order passed by the Hon'ble Supreme Court of India in (Civil Appeal No(s).238-244 of 2004) dated 10.02.2010 it is stated as follows:-

"***12. It is not in dispute that before directing revision of the pension etc., payable to the private respondents, the Central Government did not give them action oriented notice and opportunity of showing cause against the proposed action. Therefore, it must be held that the direction given by the Central Government to revise the retiral benefits including the pension payable to the respondents was nullity.***

14. We may advert to the bipartite settlement on which reliance has been placed by the appellants to justify the directive given by the Central Government for adverse revision of the retiral dues payable to the respondents. Para 7.1 of the memorandum of settlement, the extracts of which has been placed before this Court in the form of Annexure R-4 read as under:-

"Pension: In the case of Good Transferee employees who have opted Section 12-A of the Food Corporation Act, 1964 to be governed by the Pension Rules of the Central Government as amended from time to time, Pension shall be worked out as under:

(i) For those retiring during the period 1st August 1983 to 30th March 1985, employments for purposes of working out pension will be the pay in the revised scale.

In the case of persons retiring prior to 31st May, 1984 emoluments for the period prior to 1st August, 1983 shall be the emoluments which would have been taken into account for the purpose of pension as per the then existing orders.

(iii) For those retiring during the period 31st March, 1985 to 31st December, 1985 emoluments for purposes of pension will be pay in the revised scale and Industrial DA as admissible in FCI on 1st November, 1984.

In the case of persons retiring prior to 31st December, 1985 emoluments for the period prior to 31st March, 1985 shall be the

emoluments which would have been taken into account for the purpose of pension as at Senior (i) above.

(iii) For those retiring during the period 1st Jan., 1986 emoluments for the period prior to 1st January 1986 shall be the emoluments which would have been taken into account for the purpose of pension as at Senior No.(ii) above."

A perusal of what has been reproduced above makes it clear that the settlement was applicable to the employees retiring between 01.08.1983 and 31.07.1987.

10. The learned counsel further submitted that in the pension book it is clearly mentioned that the pension which was sanctioned was under the Central Civil Service Pension Rules and the date of commencement of the pension was 01.08.1992. Copy of the pass book is below:-

भाग - II
PART II
(सेवा निवृत्ति पर लागू)
(Applicable on Retirement)

भाग - 1 — पेंशन प्राप्तकर्ता का ब्यौरा
Section - 1 — Particulars of Pensioner

1. पति/पत्नी के साथ संयुक्त फोटोग्राफ
1. Joint photograph with the spouse

2. सेवा निवृत्त हो रहे सरकारी कर्मचारी का नाम
2. Name of the retiring Govt. servant. Shri. G. Ranganathan.

3. स्थायी पता
3. Permanent Address. No. 9/1, Baroda Street, West Mambalam, Madras - 600 033.

4. पहचान के लिए व्यक्तिगत चिह्न
4. Personal marks of identification. (1) A black mole in the face over the right side & below the ear lobule (2) A raised flat mole in the lateral aspect of the fore-arm 6" below the elbow. Height 170 cms

5. पेंशन प्राप्तकर्ता के हस्ताक्षर अथवा बाएं हाथ के अंगूठे की छाप (पेंशन की पहली अदायगी के समय प्राप्त किया जाता है)
5. Signature or the left hand Thumb impression of the pensioner (To be obtained at the time of first payment of pension)

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भाग - 2 — पेंशन का ब्यौरा
Section - 2 — Details of Pension

1. संराशीकरण से पूर्व मासिक पेंशन की राशि
1. Amount of monthly pension before commutation (in words and figures) Rs. 1,202/- (Rupees one thousand two hundred and two only)

2. पेंशन की श्रेणी
2. Class of Pension Superannuation Pension

3. नियम, जिनके अन्तर्गत मंजूर की गई
3. Rules under which sanctioned Central Civil Service Pension Rules.

4. पेंशन के शुरू किए जाने की तारीख
4. Date of commencement of pension 1-8-1992.

5. पेंशन के संराशीकरण का अंशांकी राशि
5. Fraction/amount of pension commuted, if any 1/3 of Rs. 400/-

6. संराशीकरण का मूल्य और अदायगी की तारीख
6. Commuted value and the date of its payment. Rs. 50,208/- dt. 23

7. संराशीकरण के बाद घटी हुई मासिक पेंशन
7. Reduced monthly pension after commutation (in words and figures) Rs. 802/- (Rupees eight hundred and two only)

8. घटी हुई पेंशन के शुरू किए जाने की तारीख
8. Date of commencement of the reduced pension. 22.9.92.

9. तारीख (शब्दों में) जिससे संराशीकृत भाग पुनः बहाल किया जाएगा। (जो कि उक्त तारीख को पेंशन प्राप्तकर्ता के जीवित होने की शर्त पर है)
9. Date (in words) from which commuted portion shall stand restored (subject to pensioner being alive on that date) 22. 9. 2007 Twenty Second September Two thousand seven

10. क्या पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता कोई अन्य पेंशन प्राप्त कर रहे हैं? यदि हां, तो उसका ब्यौरा दें और यह किस स्रोत से ली जा रही है।
10. Whether the pensioner/Family Pensioner is in receipt of any other pension. If so, its particulars and source from which being drawn. Nil

ACCOUNTS OFFICER, P.&O.O. MADRAS

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11. It is pertinent to extract Section 12A (4) (a) and (b) of the Food Corporation of India Act, 1964 and the same is extracted as below:-

12A. Special provisions for transfer of Government employees to the Corporation in certain cases – (1) where the Central Government has ceased or ceases to perform any functions which under Section 13 are functions of the Corporation, it shall be lawful for the Central Government to transfer by order and with effect from such date or dates (which may be either retrospective to any date not earlier than the 1st January, 1965 or prospective) as may be specified in the order, to the corporation any of the officers or employees serving in the Department of the Central Government dealing with food or any of its subordinate or attached offices and engaged in the performance of those functions:

provided that no order under this sub-section shall be made in relation to any officer or employee in such Department or office who has in respect of the proposal of the Central Government to transfer such officer or employee to the Corporation, intimated within such time as may be specified in this behalf by that Government, his intention of not becoming an employee of the Corporation.

(2) In making an order under sub-section (1), the Central Government shall as far as may be take into consideration the functions which the Central Government has ceased or ceases to perform and the areas in which such functions have been or are performed.

(4) Every officer or other employee transferred by an order made under sub-section (1) shall within six months from the date of transfer, exercise his option in writing to be governed-

(a) by the scale of pay applicable to the post held by him under the Government immediately before the date of transfer or by the scale of pay applicable to the post under the Corporation to which he is transferred.

(b) by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government as amended from time to time or the leave, provident fund or other terminal benefits admissible

to the employees of the Corporation under the regulations made by the Corporation under this act, and such option once exercised shall be final:

12. The learned counsel also filed a memo dated 17.03.2023 on behalf of the petitioner in which it is stated that a sum of Rs.29,37,697/- was due to the petitioner under the Central Government Rules. W.A.No.124 of 2003 as stated supra has been filed by the petitioner and the same was allowed by this Court on 13.04.2010. The learned counsel relied on the judgment of this Court in the case of Mr.P.Balasubramaniam Vs Union of India rep. by its Secretary, Food, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, Krishi Bhawan, New Delhi and others (W.P.Nos.35827 to 35856 of 2015 batch of cases) wherein this Court, at paragraph No.7 followed the judgment of the Hon'ble Supreme Court of India in **Union of India v P.N. Natarajan & others** reported in **(2010) 12 SCC 405** and the relevant portion is extracted as below:-

"7. The learned counsel appearing for the petitioners in this regard made a submission that all the writ petitioners had exercised their option adopting the scale of pay as applicable to the employees of the Food Corporation of India for salary and in respect of the pension and terminal benefits of the petitioners before this Court, had opted for Central Government benefits as admissible to the Central Government employees. Thus, it is made clear that the writ petitioners before this Court had opted for the terminal and pensionary benefits as applicable to the Central Government employees. The two fold options were given considering the

factual circumstances that the writ petitioners were initially appointed by the Government of India and subsequently, transferred to the Food Corporation of India. Since, the employees were initially appointed by the Government of India, they have given option to opt for the terminal benefits as applicable to the Central Government employees. Thus, a special condition was provided to these employees who were transferred from Government of India Department to the Food Corporation of India. It is an admitted fact that all these writ petitioners had exercised their option, opting for Central Government pensionary benefits under the law."

13. The learned counsel further submitted that the petitioner has been superannuated on 31.07.1992 and at present he is 87 years old and after 1999 he was getting only a meagre amount of Rs.1,801/- as pension instead of Rs.5,493/- which he was drawing up to the February 1999.

14. A counter affidavit has been filed on behalf of the respondents 1 to 3 in the year 2013. The learned counsel appearing for the respondents submitted that the petitioner was drawing FCI salary under IDA Scale and only IDA Pension and IDA Salary (Industrial Dearness Allowance) is applicable to the petitioner and CDA pension is not permissible to the petitioner.. He has referred to paragraph No. 3 of the counter affidavit and the relevant portion of the counter affidavit is extracted hereunder:-

3. Henceforth, from 30.04.1965 on his absorption in FCI, the petitioner became an FCI employee with the designation of

Godown Clerk and posted to Regional Office, FCI, Chennai. On his transfer to FCI, he was given option under Section 12 A of the FCI Act 1964 like any other Food Transferees to choose between the FCI scale of pay and Government scale of pay as per Sub-Section 12 4(a) and to opt either the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Corporation or that of the Central Government as per Section 12 4(a). The option should be exercised within six months of his transfer to FCI and the option becomes final as per the FCI Act 1964. A copy of the option exercised by the petitioner on 17.03.1977 is produced herewith and marked as R1(c). As per Exhibit R1(c), the petitioner has opted for the FCI pay scale as per Section 12 4(a) of the FCI Act and for the Central Government terminal benefits as per Section 12 4(b) of the FCI Act".

15. Heard both sides and perused the materials available on record.

16. The petitioner initially joined as Tally clerk in the office of the Assistant Director of Food Department, Government of India at Chennai and in the year 1965 he was deputed/transferred to serve in the Food Corporation of India in the capacity as a Central Government Employee. Initially he was designated as Assistant Grade III. By gradual promotion be became Assistant Grade I and in that capacity he retired from service on 31.07.1992. The pension was sanctioned to the petitioner as per the rules applicable to the Central Government employees and he was receiving the same till February

1992 until an audit objection was raised by letter dated 30.03.1999. The pension was revised based on the recommendation of the 5th Pay Commission and the petitioner's pension was fixed at Rs.5,047 in December 1997. In the 1st week of April 1999 entry made as pension is only a sum of Rs.1,801/- instead of a sum of Rs.5,047/-. When the same was questioned by the petitioner it was informed to him that based on the Audit objection it has been reduced. In SLP (Civil Appeal No(s).238-244 of 2004) Hon'ble Supreme Court of India has dismissed all the appeals on 10.02.2010 confirming the order of the High Court wherein High Court gave a finding that the employees are entitled to receive all the benefits of the Central Government Employees and also further declared that in view of the option exercised the persons like the petitioner are to be treated as Central Government Employees and based on which W.A.No.124 of 2003 filed by the petitioner was allowed by the Division Bench of this Court by order dated 13.04.2010. The second respondent by proceedings dated 28.09.2010 has filed the calculation sheet as per the Central Civil Service Rules and the benefits accrued to the petitioner as on 28.02.2011 was a sum of Rs.22,33,637/- inclusive of Vth and VIth pay commission revision of pension.

17. The petitioner while joining the Food Corporation of India was

opted for Central Rules as per Section 12A & 14B of Food Corporation of India Act and as per the option the pension to the petitioner has to be paid according to Central Dearness Allowance (CDA) and not in Industrial Dearness Allowance (IDA) as contended by the respondents. In W.A.No.124 of 2003 filed by the petitioner the authorities were directed to release the amount payable to the employees as applicable to the retired Central Government Employees and also to grant retirement benefits. Despite the order passed by this Court in W.A.No.124 of 2003 the respondent authorities have not granted the pension to the petitioner as per CDA rules. It is crystal clear and evident from the pension payment order of the petitioner wherein it is clearly stated that the rules under which the pension was sanctioned was according to the Central Civil Service Pension Rules and the commencement of the pension was mentioned as 01.08.1992. When the petitioner has opted for Central Civil Service Pension Rules then he is entitled for CDA pension and not IDA pension as contended by the respondents.

18. The learned counsel appearing for the petitioner drew the attention of this Court to the order passed by the Division Bench of this Court in W.A.No.124 of 2003 dated 13.04.2010 and the relevant portion of the order is extracted as hereunder:-

"This writ appeal has been filed against the order of dismissal dated 29.11.2002 passed in W.P.No.17378 of 2000 filed to quash the order dated 17.08.2000 passed by the third respondent and for a direction to the respondents to fix the pension of the petitioner as applicable to a retired Central Government employee and grant retirement benefits.

2. When the matter came up for hearing, learned counsel for the parties submitted that the issue involved in this appeal is no more res integra in view of the judgment dated 10.02.2010 passed by the Supreme Court in Civil Appeal Nos.238 to 244 (Union of India and another Vs. P.N.Natarajan and others, etc.,) whereunder the appeals preferred by the Government of India were dismissed thereby directing the authorities to release the amount payable to the employees.

3. In view of the said judgment of the Supreme Court, the order passed by the learned single Judge is set aside. Accordingly, the writ appeal is allowed. No costs."

19. The learned counsel for the petitioner drew the attention of this Court to the judgment passed by the Division Bench of this Court in Cont.P.No.1014 of 2010 dated 24.03.2011 and the relevant portion of the order is extracted as hereunder:-

"3. The learned Additional Solicitor General appearing for the respondents 1 to 3 submits that the order passed by this Court has been complied with by the respondents in the month of October 2010 itself. In support of the same, he has produced the reply counter affidavit filed on behalf of the second respondent herein, wherein at paragraph No.16, it has been stated as follows:-

"Therefore it is respectfully submitted that the petitioner is sanctioned Central Dearness Relief on his basic pension from 01.08.1992 in compliance with the order of the Apex Court revision of pension and

paid arrears accordingly. The calculation sheet showing the pension sanctioned on various dates and Central Dearness Relief paid to the petitioner is enclosed. Hence there is no deliberate disobedience of the order of the Hon'ble Court".

4. In view of the compliance of the order of this Court dated 13.04.2010 made in W.A.No.124 of 2003, this contempt petition is closed. If the petitioner is aggrieved, it is for him to seek appropriate relief before the appropriate forum. However, there shall be no order as to costs".

20. The learned counsel further drew the attention of this Court to the judgment of the Division Bench of Kerala High Court in W.A.No.1878 of 2008 dated 17.11.2008 in a similar case and the relevant portion of the judgment is extracted hereunder:-

"17. Even if the memorandum of settlement is held applicable to other employees of the Corporation, the same cannot adversely affect the option exercised by the private respondents in terms of Section 12A (4) (a) and (b) read with Section 12A (4C) of the Act. It has neither been suggested on behalf of the appellants nor it can be laid down as a proposition of law that the bipartite settlement arrived at between the Unions of the employees and the Management of the Corporation could take away the right acquired by the respondents as a sequel to exercise of option in terms of Section 12A(4) (b).

19. In the result, the appeals are dismissed. Each of the private respondents shall get cost of Rs.10,000/- from the appellants".

21. In the order passed by the Hon'ble Supreme Court of India in (Civil Appeal No(s).238-244 of 2004) dated 10.02.2010 it is stated as follows:-

"*12. It is not in dispute that before directing revision of the pension etc., payable to the private respondents, the Central Government did not give them action oriented notice and opportunity of showing cause against the proposed action. Therefore, it must be held that the direction given by the Central Government to revise the retiral benefits including the pension payable to the respondents was nullity.*

14. We may advert to the bipartite settlement on which reliance has been placed by the appellants to justify the directive given by the Central Government for adverse revision of the retiral dues payable to the respondents. Para 7.1 of the memorandum of settlement, the extracts of which has been placed before this Court in the form of Annexure R-4 read as under:-

"Pension: In the case of Good Transferee employees who have opted Section 12-A of the Food Corporation Act, 1964 to be governed by the Pension Rules of the Central Government as amended from time to time, Pension shall be worked out as under:

(i) For those retiring during the period 1st August 1983 to 30th March 1985, employments for purposes of working out pension will be the pay in the revised scale.

In the case of persons retiring prior to 31st May, 1984 emoluments for the period prior to 1st August, 1983 shall be the emoluments which would have been taken into account for the purpose of pension as per the then existing orders.

(iii) For those retiring during the period 31st March, 1985 to 31st December, 1985 emoluments for purposes of pension will be pay in the revised scale and Industrial DA as admissible in FCI on 1st November, 1984.

In the case of persons retiring prior to 31st December, 1985 emoluments for the period prior to 31st March, 1985 shall be the *emoluments which would have been taken into account for the purpose of pension as at Senior (i) above.*

(iii) For those retiring during the period 1st Jan., 1986 emoluments for the period prior to 1st January 1986 shall be the emoluments which would have been taken into account for the purpose of pension as at Senior No.(ii) above."

A perusal of what has been reproduced above makes it clear that the settlement was applicable to the employees retiring between 01.08.1983 and 31.07.1987.

22. It is pertinent to extract Section 12A (4) (a) and (b) of the Food Corporation of India Act, 1964 and the same is extracted as below:-

12A. Special provisions for transfer of Government employees to the Corporation in certain cases – (1) where the Central Government has ceased or ceases to perform any functions which under Section 13 are functions of the Corporation, it shall be lawful for the Central Government to transfer by order and with effect from such date or dates (which may be either retrospective to any date not earlier than the 1st January, 1965 or prospective) as may be specified in the order, to the corporation any of the officers or employees serving in the Department of the Central Government dealing with food or any of its subordinate or attached offices and engaged in the performance of those functions:

provided that no order under this sub-section shall be made in relation to any officer or employee in such Department or office who has in respect of the proposal of the Central Government to transfer such officer or employee to the Corporation, intimated within such time as may be specified in this behalf by that Government, his intention of not becoming an employee of the Corporation.

(2) In making an order under sub-section (1), the Central Government shall as far as may be take into consideration the functions which the

Central Government has ceased or ceases to perform and the areas in which such functions have been or are performed.

(4) Every officer or other employee transferred by an order made under sub-section (1) shall within six months from the date of transfer, exercise his option in writing to be governed-

(a) by the scale of pay applicable to the post held by him under the Government immediately before the date of transfer or by the scale of pay applicable to the post under the Corporation to which he is transferred.

(b) by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government as amended from time to time or the leave, provident fund or other terminal benefits admissible to the employees of the Corporation under the regulations made by the Corporation under this act, and such option once exercised shall be final:

23. The learned counsel for the petitioner further drew the attention of this Court to the letter dated 01.10.2010 of the Ministry of Consumer Affairs, Food and Public Distribution, Department of Food, Shastri Bhavan, Chennai addressed to the Accounts Officer, Central Pension Accounting Office, New Delhi in which it is stated that the original pension of Rs.2,365/- of G.Ranganathan the petitioner herein was calculated on 1992 IDA Pay scale. It is updated to Rs.6,224/- with effect from 01.01.1996 and further updated to Rs.14,067/- as per VI PCR and the said letter is extracted hereunder:-

PAY AND ACCOUNTS OFFICE
MINISTRY OF CONSUMER AFFAIRS
FOOD & PUBLIC DISTRIBUTION
DEPARTMENT OF FOOD
SHASTRIBHAVAN
CHENNAI-600 006

03.10.2010

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PAO(F)/ CH/PEN/R109®/57/2010-11/

UNDER SPECIAL SEAL

To
The Accounts Officer,
Central Pension Accounting Office,
New Delhi.

Sir,

Sub; Authorisation of central DR VI PCR updation in r/o Sri. G.Ranganathan, Asst Gr I, FCI, retired on 31.07.1992.
Ref; Min of CA, Food and PD Fno.18011/3/2010-FC-3/24.09.2010 (copy enclosed)

Sri. G.Ranganathan is a food transferee who opted for central govt terminal benefits at the time of absorption in FCI. He was drawing IDA scale of pay during the service. His pension case was finalized on the basis of 1992 IDA pay scales. The Dearness Relief on pension was authorized as per Min of Food OM No.38020/1/93/FC-3/08.02.1996 in which IDA rates of relief on pension sanctioned by Dept of Public Enterprises was introduced. Sri G.Ranganathan filed a case in Chennai High Court for want of Central DR on pension. Some of the food transferees of Kerala and Karnataka Region also filed cases in High Courts and judgements were given in favour of the petitioners.

The FCI filed SLP in Supreme Court and Supreme Court also has given verdict in favour of the pensioners only. The Ministry has issued the orders for revision of DR in the OM refered . Sri. G. Ranganathan filed a contempt petition and the Court has ordered to settle his case before 04.10.2010

The original pension of Rs.2365/-in r/o Sri. G.Ranganathan is calculated on 1992 IDA pay Scales. It is updated to Rs.6224/-(Rupees Six thousand two hundred and sixty four only) w.e. from 01.01.1996 and further updated to Rs.14067/- (Rupees fourteen thousand and sixty seven only) as per VI PCR. Now he has to be paid central DR at the rates sanctioned from time to time. A statement showing the amount due toward pension and central DR from 01.08.1992 to 31.08.2010 is enclosed. The bank would have paid pension and IDA DR and the total amount paid towards pension and IDA relief will be available in the bank only. The bank may be authorized to pay the difference between the due and drawn to the pensioner. The date of birth of Sri.G.Ranganathan is 15.07.1934.

The normal family pension after updation as per VI PCR is Rs. 5452/- (Rupees five thousand four hundred and fifty two only) The name of his wife is Smt. R Raman and her date of birth is 12.11.1942

The bank should be cautioned that amount shown in the statement **SHOULD NOT BE PAID. The balance after deducting the amount drawn only should be paid.**

Encl, One Statement and
Ministry's order dt 24.09.2010

Yours faithfully,

(D.Vanaja)
Senior Accounts Officer

Copy to
1.Sri. G.Ranganathan,
No.20D,Nagarjuna Nagar,
I Street,
Rangarajapuram,
Kodambakkam
Chennai-600024
2.The Regional Director,
(Food), Southern Region,
Chennai.
- Encl: SB ~ Statement
3.The Manager,
State Bank of India,
Vivekananda Branch,
Triplicane
Chennai-600005
3. Sri.M.V.Venkataseshan,
Advocate,
Old No.18, New No.37, II Floor,
Chakkrapani Street
West Mambalam,
Chennai-600033
4.Sri.K.Mohanamurali,Senior Panel Counsel,
B-22, New No.16,B Block,
4th Street,
Anna Nagar East,
Chennai-600040
5.The Principal Accounts Officer,
Min of CA, Food and PD,
New Delhi.

Vanaja
Senior Accounts Officer

24. The learned counsel for the petitioner further submitted that as per the letter dated 03.11.2010 of the Ministry of Consumer Affairs, Food and Public Distribution, Department of Food & Public Distribution, Shastri Bhavan, Chennai addressed to the Accounts Officer, Central Pension Accounting Office, New Delhi and the copy of the letter is extracted as below:-

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PAY & ACCOUNTS OFFICE
MIN.CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION
DEPARTMENT OF FOOD & PUBLIC DISTRIBUTION
SHASTRI BHAVAN, CHENNAI – 600 006.
PHONE: 044 – 28276730

PAO[F]/CH/PEN/R109®/168/2010-11/ 980 - 986

03.11.2010

UNDER SPECIAL SEAL

To
The Accounts Officer,
Central pension Accounting Office,
New Delhi.

Sir,

Sub; Updation of pension as per 1997 IDA Pay Commission and authorization of Central DR on IDA pension in r/o Sri.G.Ranganathan, PPO No 03687 92 0141 1

Ref; This office Lr No.PAO[F]/CH/PEN/R109[R]/168/2010-11/945-50/27.10.2010. (copy enclosed)

The Regional Director.(Food), Southern Region, Chennai has sanctioned Central DR in r/oSri. G.Ranganathan as per Supreme Court order. He may be paid central DR @ rates admissible as per IV PCR from 01.08.1992 to 31.12.1995, @ rates issued after V PCRfrom01.01.1996 to 31.12.2005 and @ rates sanctioned after VI PCR from 01.01.2006.

His basic pension is Rs.2365/- w.e.from 01.08.1992. This has now been updated to Rs.4056/- (Rupees Four thousand and fifty six only) as per 1997 IDA Pay Commission w.e.from 01.01.1997. He has commuted Rs.788/- (Rupees Seven hundred and eighty eight only). Reduced pension w.e.from 01.01.1997 is Rs.3508/- (Rupees Three thousand five hundred and eight only).

Normal rate of Family pension of Rs.792/- is updated to Rs.2168/- (Rupees Two thousand one hundred and sixty eight only) and payable from the date following the date of death of the pensioner.

He is drawing pension through State Bank of India, Vivekananda Branch, Triplicane, Chennai-600005. A/c No is 243169. BSR Code of the bank is 0003275.

The bank may be advised to recalculate the relief as per Central DR. IDA DR and IR already paid should be adjusted against the due amount. Arrears of pension due to 1997 updation also has to be paid by the bank. The rates of reduced pension at various stages will be available in the bank only as differential commuted value of pension was paid by the bank during the revisions.

As the contempt bearing is posted on 08.11.2010 the authority may be issued immediately to the bank.

Yours Faithfully,

(D.Vanaja)
Senior Accounts Officer.

25. The learned counsel for the petitioner further submitted that as per the letter dated 09.11.2010 of the Ministry of Consumer Affairs, Food & Public Distribution addressed to the Pay and Accounts Officer, Department of Food, Shastri Bhavan, Chennai it has been stated that the pension / Family Pension of the petitioner namely G.Renganathan who retired on 31.07.1992 has been revised and necessary revised calculation sheet and OSR of the above official are enclosed for further action and the copy of the letter is extracted as below:-

भारत सरकार
GOVERNMENT OF INDIA
Ministry of Consumer Affairs, Food & Public Distribution
Department of Food & Public Distribution
OFFICE OF THE REGIONAL DIRECTOR (FOOD), Southern Region
3 Haddows Road, Chennai - 600 006

Telegrams : PRANIKHADYA
Ph. : 2 827 8423
2 827 8453
Fax : 2 827 8623
E-mail : zmsouth@fci.delhi.nic.in

No.Estt.39/3/15//98/PEN.I/RDF

Date: 09.11.2010

//UPDATION//

To
The Pay and Accounts Officer,
Department of Food,
Shastri Bhavan,
CHENNAI – 600 006

Sir,

Sub: Revision / Rationalisation / Consolidation of Pension / Family Pension in respect of Shri G. Ranganathan, Retired on 31.07.1992 – Reg.

Ref: 1. Letterr .No. 38020/1/2009/FC.3 dated 01.11.2010 received from Ministry of Food, New Delhi.
2. Letter No.18011/3/2010-FC-3 dated 25.10.2010 received from Ministry of Food, New Delhi.
2. AE.No.PAO (F)/ CH/R.109/R/1075/99-2000/375-378 dated 3/2000.

In pursuance of Ministry`s letter under reference 1st and 2nd cited the Pension/ Family Pension in r/o Shri G.Ranganathan, Retired on 31.07.1992 has been revised and necessary Revised Calculation Sheet,and OSR of the above official are enclosed for further necessary action.

we have received the Food Ministry's order under reference 2nd cited for Updating the Pension with effect from 01.01.2007, the calculation sheet prepared by the Department pertaining to Shri G. Ranganathan is forwarded herewith for releasing the same.

Kindly acknowledge the receipt.

Encl as above.

Yours faithfully,

Perianayaki Selvaraj 9/11/10

(PERIANAYAKI SELVARAJ)
MANAGER(PEN-RDF)
FOR REGIONAL DIRECTOR (FOOD)
P.T.O

26. The learned counsel for the petitioner also relied on the judgment of this Court in the case of Mr.P.Balasubramaniam Vs Union of India rep. by its Secretary, Food, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, Krishi Bhawan, New Delhi and others (W.P.Nos.35827 to 35856 of 2015 batch of cases) wherein this Court, at paragraph No.7 followed the judgment of the Hon'ble Supreme Court of India in **Union of India v P.N. Natarajan & others** reported in **(2010) 12 SCC 405** and the relevant portion is extracted as below:-

> ***"7. The learned counsel appearing for the petitioners in this regard made a submission that all the writ petitioners had exercised their option adopting the scale of pay as applicable to the employees of the Food Corporation of India for salary and in respect of the pension and terminal benefits of the petitioners before this Court, had opted for Central Government benefits as admissible to the Central Government employees. Thus, it is made clear that the writ petitioners before this Court had opted for the terminal and pensionary benefits as applicable to the Central Government employees. The two fold options were given considering the factual circumstances that the writ petitioners were initially appointed by the Government of India and subsequently, transferred to the Food Corporation of India. Since, the employees were initially appointed by the Government of India, they have given option to opt for the terminal benefits as applicable to the Central Government employees. Thus, a special condition was provided to these employees who were transferred from Government of India Department to the Food Corporation of India. It is an admitted fact that all these writ petitioners had exercised their option, opting for Central Government pensionary benefits under the law."***

27. Following the judgment of the Hon'ble Supreme Court of India in **P.N.Natarajan,** *supra*, the learned Single Judge of this Court has passed an order in W.P.No.35827 to 35856 dated 01.10.2018 holding that since the petitioners have exercised their option for Central Government Pensionary benefits under the law, they are entitled to the same.

28. In spite of the undertaking given by the respondents before the Hon'ble Supreme Court of India in **P.N. Natarajan**, *supra*, and before the Division Bench of this Court in W.A.No.124 of 2003, it is not fair and proper on the part of the respondents to deny pensionary benefits to the petitioner. Hence, this Court is of the considered view that the petitioner is entitled only to CDA pension and not IDA pension, as contended by the respondents.

29. In view of the above facts and circumstances of the case, the impugned order dated 27.10.2010 is hereby quashed.

30. In the result, the writ petition is allowed and the respondents are directed to enhance the pension of the petitioner as per the V & VI pay commission report with effect from 01.01.1996 and 01.01.2006 respectively in

terms of Section 12A(4)(b) r/w 12A(4)(c) of the F.C.I. Act with all consequential benefits within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is also closed.

01.06.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order

dpq

To

1. The Pay and Accounts Officer
   Central Pension Accounting Office,
   Ministry of Finance, Government of India,
   New Delhi 110 066

2. The Regional Director(Food), Southern Region,
   Shastri Bhavan, Haddows Road,
   Chennai 600 006

3. Pay and Accounts Officer,
   Ministry of Food, Shastri Bhavan,
   Haddows Road, Chennai 600 006

4. The Branch Manager,
   State Bank of India,
   “Vivekananda House”,
   Triplicane, Chennai 600 005

J.SATHYA NARAYANA PRASAD, J.

dpq

W.P.No.8071 of 2012

01.06.2023