



WEB COPY



WP No.10809 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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1.Union of India

Represented by Chief Post Master General,
O/o. the Chief Postmaster General,
Chennai-600 002.

2.The Senior Superintendent of Post Office,
Chennai City North Division,
Chennai-600 008.

... Petitioners

versus

1.The Registrar,
Central Administrative Tribunal,
High Court Campus,
Chennai-104.

2.D.Sivagurunathan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari to call for the records of the first respondent in OA No.1744 of 2017 dated 11.10.2019 in allowing the OA filed by the second respondent and quash the same.

For the Petitioners :Mr.S.Janarthanam
Senior Panel Central Government Counsel

For the Respondents:Mr.S.Arun
for second respondent
first respondent -Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petition has been filed challenging the order dated 11.10.2019 in OA No.399 of 2019.

Brief facts of the case:

2. According to the petitioner Department, an order of punishment of compulsory retirement was passed on 09.02.1987 to the second respondent with effect from 11.02.1987. The second respondent had submitted a representation dated 14.09.2017 to the second petitioner requesting to revise his pension and dearness allowance at the rate of Rs.4030/- per month with effect from 01.01.2006, along with arrears of pension and dearness



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allowance with effect from 01.01.2006, citing paragraph No.4.2 of the Office Memorandum No.38/37/08-P&PW(A), dated 01.09.2008, to Pre-2006 pensioners who have less than 33 years of Government service at the time of their retirement, vide Office Memorandum No.38/37/08-P&PW(A) dated 06.04.2016. The Department of Pension & Pensioner's Welfare gave a reply to the representation vide Office letter No.C3/N/D.Sivagurunathan dated 25.09.2017 that the Memorandum dated 01.09.2008 will not be applicable to the petitioner. Aggrieved by the same, the second respondent filed OA before the Tribunal in OA No.1744 of 2017. The Tribunal, by order dated 11.10.2019 allowed the said OA and directed the petitioner Department to consider the matter afresh and revise the pension of the second respondent. Hence, the petitioner Department has filed the present writ petition before this Court.

3. Today, learned Senior Panel Central Government Counsel appearing for the petitioner Department submitted that the petitioner department had taken a decision to comply with the order dated 11.10.2019, passed by the Tribunal. He has also placed a status report filed by the



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petitioner Department before this Court, along with Office Memorandum dated 14.06.2022. The relevant portion of the status report is extracted hereunder:

The Ministry of Personnel, PG & Pensions of Government of India has issued OM No.38/46/2017-P&PW(A)(4879) dated 14.06.2022 in which it is clarified that the provisions contained in para 4.2 of OM No.38/37/08-P&PW(A) dated 01.09.2008 regarding revision of pension after Sixth CPC would also be applicable for revision of pension in respect of pensioners who were drawing compulsory retirement pension. Accordingly, the pension of such pensioners shall be revised with effect from 01.01.2006 in accordance with the aforesaid orders issued for revision of pension of the pre-2006 pensioners and it would be proportionate to the reduced initial pension/compassionate allowance sanctioned on compulsory retirement, if any.

4. In view of the aforesaid clarifications issued by the petitioner Department in Office Memorandum dated 14.06.2022, nothing remains for further adjudication in the present writ petition.



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5. Recording the aforesaid statement made by the learned Senior Panel Central Government Counsel appearing for the petitioner Department, and in view of the clarification issued in the Office Memorandum dated 14.06.2022, the writ petition stands disposed of. However, the petitioner Department is directed to consider the request of the second respondent at the earliest without any delay, in the light of the clarification issued in the Office Memorandum dated 14.06.2022. There will be no order as to costs. Consequently, WMP No.13124 of 2020 is closed.

[D.K.K., J.] [P.D.B., J.]
01.11.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To
The Registrar,
Central Administrative Tribunal,
High Court Campus,
Chennai-104.



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