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WP.No.20702 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.20702 of 2023

A.Krishnan

.. Petitioner

Versus

1.The Financial Advisor and Chief Accounts Officer
The Directorate of Technical Education
Chennai – 600 025

2.The Accountant General (A&E)
Office of the Accountant General
361, Anna Salai, Chennai – 600 018

3.The Treasury Officer
District Treasury Office Coimbatore
Coimbatore - 18

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Na.Ka. No.5239/2017/T1 dated 13.02.2023 and quash the same and consequently directing the 3rd respondent to revised the petitioners pension as Rs.51672/- in the light of the revise pension proposal order passed by the 1st respondent dated 16.03.2021 and as per G.O. Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017 para 5(2) and G.O.(Ms) No.19 Higher Education (C2) Dept. dated 14.10.2020.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.S.Arumugham
Government Advocate



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ORDER

The challenge has been made to the impugned order fixing the pension to Rs.43,660/- contrary to the recommendations made by the first respondent to fix the pension as Rs.51,672/-.

2. It is the contention of the learned counsel for the petitioner that in G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017, the Government has accepted the recommendations of the Official Committee, 2017 on revision of pension/family pension and other retirement benefits. Further, in G.O.Ms.No.19, Higher Education (C2) Department dated 14.01.2020, the Government has accepted the Pay Scales fixed by the All India Council for Technical Education. The petitioner is entitled to benefit as per the above two Government Orders. In this regard, the first respondent sent recommendation fixing the pension payable as Rs.51,672/-. However, the third respondent without following the above two Government Orders has passed the impugned order reducing the pension.

3. It is the grievance of the petitioner that despite the directions of this Court dated 10.10.2022 in W.P.No.26744 of 2022 to pass a final orders on the recommendations of the first respondent dated 17.09.2022, wherein, the clarification was issued fixing the grade pay of Rs.10,000/-. Despite the said



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order, now, the impugned order has been passed fixing the pension as Rs.43,660/-.

4. The counter has been filed by the first respondent, wherein, it is the stand of the first respondent that the applications sent by the first respondent to the third respondent was returned by the third respondent Treasury seeking the first respondent to clarify the queries. Subsequently, the petitioner's pension proposal was sent to the parent College, Coimbatore Institute of Technology requesting to clarify the queries raised by the third respondent for revision of pension proposal. The parent college sent a reply vide letter No.560/Est/Rev Pension/2021 dated 12.09.2022 clarifying that the petitioner's grade was Rs.10,000/-. However, the Treasury Department has calculated grade pay as Rs.9000/- wrongly.

5. Heard both sides and perused the materials placed on record.

6. When the first respondent himself admitted that the grade pay has been wrongly calculated, on perusal of the impugned order, it would indicate that there is no reference with regard to the above Government Orders in G.O.Ms.Nos.303 and 19 and the Order has been simply passed without any



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basis, there is no reason whatsoever assigned in the impugned order.

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7. Such view of the matter, the Order passed without any reasons cannot be sustained in the eye of law. Accordingly, the impugned order in Na.Ka.No.5239/2017/T1 dated 13.02.2023 stands quashed and the respondents shall fix the pension as per the recommendations made by the first respondent considering the above referred G.O.Ms.Nos.303 and 19 and pass appropriate Orders within a period of two months from the date of receipt of a copy of this Order.

8. In view of the above, this writ petition allowed. No costs.

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dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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N.SATHISH KUMAR, J.



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