



W.P.No.29670 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29670 of 2022
and WMP Nos.29057, 29058 and 29059 of 2022

- 1.G.Manokaran
- 2.Syed Shavukatali Badhusha
- 3.A.Raja
- 4.S.Thirumudi
- 5.T.Palanisamy
- 6.K.Palanisamy
- 7.M.Gnanasekaran
- 8.N.Thangaraju
- 9.M.Perumal
- 10.P.Balamuthiyalu
- 11.S.Meganathan
- 12.S.Manoharan
- 13.S.Sathyamoorthy
- 14.C.Mathiyazhagan
- 15.S.Rajendran
- 16.V.Seshadri
- 17.V.Dhanapal
- 18.C.Rajmohan
- 19.K.Chinnaponnan
- 20.G.Ranganathan
- 21.D.Nehruji
- 22.M.Perumal
- 23.M.Madhu



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- 24.M.Thilagar
- 25.P.Lakshmanan
- 26.A.Manogaran
- 27.A.Velayutham
- 28.K.Kangagasabapathy
- 29.G.Manoharan
- 30.R.Udayakumar
- 31.A.Annadurai
- 32.A.Charles Stephen
- 33.P.Rajendran
- 34.K.Venkatesan
- 35.U.Durai
- 36.C.Govindasamy
- 37.D.Subramanian
- 38.V.Chokkalingam
- 39.N.Moorthy
- 40.M.Moorthy
- 41.L.Venkatesan
- 42.R.Sikamani
- 43.K.Rajamani
- 44.S.Udayakumar

Vs

...Petitioners

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Additional Chief Secretary to Government,
Finance (CMPC) Department, Secretariat,
Fort St.George, Chennai-600 009.



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3. The Principal Secretary/Commissioner of Treasuries and Accounts,
Amma Complex, 3rd Floor, Veterinary Hospital Campus,
571, Anna Salai, Nandanam, Chennai-600035.
4. The Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai-600 009.
5. The Principal Chief Conservator of Forests,
Forest Head Quarters, Guindy Velacherry Main Road,
Near Kannigapuram Check Post,
Guindy, Chennai-600 032.
6. The Accountant General (A&E).
No.361, Anna Salai,
Chennai-18.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent with regard to the Clarification issued to Question at Serial No.3 whether Personal Pay is eligible for calculation of pensionary benefits as “No” in Lr.No.44119/CMPC/2020-4, dated 25.02.2021 and to quash the same and consequently direct the respondents to pay pension to the petitioners from the date of retirement by taking into account the personal pay of Rs.1000/- along along with the Pay and Grade Pay and treat the same as emoluments for the calculation of pension as per the Fundamental Rule 45C and the Pension Rule 30 and Treasury and Accounts



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Department Rules and G.O.No.420 Finance (Pay Cell)Department dated
12.11.2020.

For Petitioners : Mr.V.S.Jagadeesan
For Respondents : Mr.P.Sanjay Gandhi
Government Advocate
For R.1 to R.5
Mr.V.Vijaya Shankar
Standing Counsel
For R.6

ORDER

The grievance of all the petitioners herein is that the respondents have not taken into account the Personal Pay of Rs.1,000/- along with the Pay and Grade Pay for the purpose of computing the pension.

2. All the petitioners herein had retired from the post of Forest Range Officers between 01.01.2011 and 31.12.2015. pending writ petition, the second respondent herein in his Letter No.51928/PC/2021-1, dated 02.01.2023 had clarified as follows:

“ “ I am to clarify that the Personal Pay of Es.1000/-p.m sanctioned in the Government Order third cited is eligible for taking into calculation of



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annual increment and pensionary benefits to the employees who were working/retired in the post of Block Development Officer's/Tahsildars/Inspector of Police/Forest Ranger during the period from 01.02.2011 to 31.12.2015.”

3. In view of the above clarification, the grievance of the petitioners seems to have been met with. Accordingly, the petitioners are granted liberty to submit a representation before the respondents 1 and 4 herein, ventilating their grievance and on receipt of the same, the respondents 1 and 4 shall pass appropriate orders in the light of Clarification Letter No. 51928/PC/2021-1, dated 02.01.2023 within a period of four weeks from the date of receipt of such representation.

4. With the above observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

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



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M.S.RAMESH,J.

Sr

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Additional Chief Secretary to Government,
Finance (CMPC) Department, Secretariat,
Fort St.George, Chennai-600 009
3. The Principal Secretary/Commissioner of Treasuries and Accounts,
Amma Complex, 3rd Floor, Veterinary Hospital Campus,
571, Anna Salai, Nandanam, Chennai-600035.
4. The Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai-600 009.
5. The Principal Chief Conservator of Forests,
Forest Head Quarters, Guindy Velacherry Main Road,
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