



W.P.(MD)No.1327 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1327 of 2023

and

W.M.P.(MD).Nos.1210 and 1212 of 2023

T.V.Katchi Jamal

... Petitioner

Vs.

- 1.The Accountant General (A & E),
Office of the Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai 600 018.
- 2.The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk,
Chennai 600 005.
- 3.The Assistant Treasury Officer,
Office of the Sub Treasury Officer,
Cheranmahadevei Town and Taluk,
Tirunelveli District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certioratified Mandamus, to call for the records pertaining to the impugned order issued by the third respondent in Na.Ka.83/2022/A1, dated 22.12.2022 and quash the same as illegal and unconstitutional and consequently directing the respondents to pay the pension amount to the petitioner continuously which was paid prior to December 2022.

For Petitioner : Mr.C.Gangai Amaran
For R1 : Mr.P.Gunasekaran
For R2 & R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order issued by the third respondent, dated 22.12.2022 and to quash the same and consequently direct the respondents to pay the pension amount to the petitioner continuously which was paid prior to December 2022.

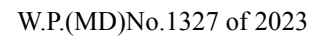


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2. The case of the petitioner is that he was appointed as Agricultural Officer in the second respondent Department in the year 1977. Thereafter, he was promoted as Assistant Director of Agriculture and finally he was promoted as Deputy Director of Horticulture and allowed to retire on 31.05.2010. From the date of his retirement, he has been drawing pension. After retirement, even though there was a 7th Pay Commission recommendation for revision of the salaries, his pay has not been revised by the second respondent. At the time of retirement, he was getting a pension amount of Rs.57,677/-. While so, the third respondent has issued the impugned proceedings on 22.12.2022, whereby reduced the payment of monthly pension from Rs.57,677/- to Rs.49,747/- from January 2023 onwards. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner receiving the monthly pension from the Government, however the Audit Department without issuing any notice and without conducting any enquiry, unilaterally modified the pension, which is not sustainable one. Hence, the impugned order is liable to be set aside on



4. The learned Special Government Pleader appearing for the respondents 2 and 3 would fairly submit that the impugned order is passed without any notice which cannot be allowed to continue. However, this Court may set aside the order passed by the third respondent and issue direction to the third respondent to issue show cause notice to the petitioner and after conducting enquiry pass appropriate orders.

5. Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 and 3 and.

6. In view of the above fair submission, the impugned order passed by the third respondent dated 22.12.2022 is set aside and the third respondent is directed to issue show cause notice to the petitioner and after receipt of the show cause notice, the petitioner is directed to submit an explanation to the third respondent and thereafter, the third respondent is



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directed to pass appropriate orders. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is allowed. No costs.
Consequently, the connected Miscellaneous Petitions are closed.

24.01.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv

To

- 1.The Accountant General (A & E),
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Teynampet,
Chennai 600 018.
- 2.The Director of Agriculture,
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M.DHANDAPANI,J.

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