



W.P.(MD)No.15156 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15156 of 2020

E.Subbiah

... Petitioner

Vs.

**1.The Post Master Palayamkottai,
Palayamkottai – 627 002.**

**2.The General Manager,
Postal Accounts and Finance,
Office of the General Manager,
Postal Accounts and Finance,
Tamilnaadu Circle,
Chennai.**

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to issue suitable orders to work out the petitioner's pension as per orders of Central Administrative Tribunal and Orders of Division Bench of this Honourable Court in W.P(MD)No.18844 of 2018 as early considering the petitioner's age of 87 consequently order to issue arrears of pension.



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For Petitioner : Mr.M.Kubendran
For Respondents : Mr.S.Jeyasingh

ORDER

This writ petition has been filed, seeking for a direction to the second respondent to issue suitable orders to work out the petitioner's pension as per orders of Central Administrative Tribunal and Orders of Division Bench of this Honourable Court in W.P(MD)No.18844 of 2018 as early as possible, by considering the petitioner's age and consequently to pay arrears of pension.

2. The case of the petitioner is that he was appointed in the Postal Department on 13.07.1953 and retired from service on 13.08.1987. At the time of his retirement, as per the VIth Central Pay Commission, his pay band was Rs.5200-20200 + GP 2800. With regard to that earlier, in O.A.No.1315 of 2012, the Tribunal directed the Authorities to refix the pension of the pensioners, who worked in the postal Department and pay them arrears consequent upon such re-fixation of pension. As the said order was not implemented, aggrieved persons filed a writ petition before



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this Court in W.P(MD)No.18844 of 2018. The Division Bench of this Court has disposed of the said writ petition on 04.07.2019 and directed the second respondent herein and the third respondent therein, to consider the representation and pass appropriate orders. Even then, the said benefit was not extended to the petitioner. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned Standing Counsel appearing for the respondents would submit that the petitioner was entered into service in the Postal Department and retired from service on 13.08.1987 as Telephone Supervisor. As per the service records of the petitioner, they are not maintained by the Postal Department and therefore, the particulars could not be verified. As the petitioner last held the post in the Telecommunication Department as Telephone Supervisor, the first respondent is not the competent authority for passing appropriate orders unless any proposal from the Telecommunication Department.



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4. Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents and perused the materials placed before this Court.

5. Though the petitioner claimed that he entered service in the Postal Department, as per the Pension Payment Order, lastly he served as Telephone Supervisor under the Telecommunication Department, whereas the Tribunal in O.A.No.1315 of 2012 has passed orders directing to refix the pension of the postal Department pensioners and pay them arrears. As rightly pointed out by the learned standing counsel appearing for the respondents, Telecommunication Department is not arrayed as a party to this writ petition. Unless any proposal is received from the competent authority of Telecommunication Department, no order can be passed by the first respondent. In view of the same, the prayer sought for by the petitioner cannot be granted and therefore, this writ petition is liable to be dismissed.



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6. In the result, this writ petition is dismissed. No Costs.

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However, liberty is hereby granted to the petitioner to approach his employer, namely, the Telecommunication Department, for passing appropriate orders.

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PM
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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M.DHANDAPANI,J.

pm

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