



W.P. No.19676 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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- 1.S.Gopalsamy
- 2.G.Lakshmi Kanthan
- 3.V.Jayaraman
- 4.Vasudeva Kalivaradhan
- 5.A.Saminathan
- 6.Kannappan
- 7.K.Krishnarajalu
- 8.Xavier
- 9.C.Elumalai
- 10.B.Ramanujam
- 11.A.Ranganathan
- 12.M.Balathandayutham
- 13.G.Radhakrishnam
- 14.Sadayan



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15.A.Ramalingam

16.Ganapathy

17.V.R.Kannan

18.S.Subramaniam

... Petitioners

Vs

1. Government of Tamil Nadu
Represented by its Secretary,
Finance (PGC) Department,
Fort St. George
Chennai 600 009.

2. The Principal Accountant General (A&E)
361, Anna Salai,
Teynampet
Chennai-600 018

3. The Commissioner of Treasuries and Accounts
Panagal Buildings,
Saidapet,
Chennai-600 015

4. The Treasury Officer,
District Treasury Office,
Villupuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring the clarification letter issued by the 1st Respondent in Letter No.61495 (Ms.)/PGC/2013 Finance (PGC) Department dated 04.02.2014 and its allied Letter No.24056/PGC/2014-1 Finance (PGC) Department dated 28.05.2014 as null and void and unenforceable



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in the eye of the law, further the 2nd Respondent has not raised any doubt from the 1st Respondent through the letter Pen30/1-76/2013-14/96083 dated 23.10.2013 as stated by the 1st Respondent in the clarification letter dated 04.02.2014 and thereby direct the 1st Respondent to issue orders for the payment of arrears of Dearness Allowance for the difference of the pre-revised pension minus original pension from the date of retirement to till date as the the Dearness Allowance/pay is one of the many components, which go into the eventual determination of pension as specifically indicated by the Apex Court in paragraph 30 of its judgment dated 17.01.2013 and direct the 1st respondent to issue instructions to the 3rd respondent to revise the pension automatically as per G.O.174, Finance (Pay Cell) Department dated 21.04.1998 and G.O.235, Finance (Pay Cell) Department dated 01.06.2009 as already ordered in paragraph 15 of G.O.363, Finance (PGC) Department dated 23.08.2013 as far as the petitioners are concerned and pay the consequential arrears within a stipulated period.

For Petitioners : Mr.K.Raja

For Respondents : Ms.R.L.Karthika,
Government Advocate

ORDER

When the matter is taken up for consideration, it is represented by Mr.K.Raja, learned counsel for the petitioners and the learned counsel appearing for the respondents that similar batch of Writ Petitions were already dismissed by a learned Single Judge of this Court and the same was also confirmed in



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W.A.Nos.2712, 2713 and 1518 of 2021 by a common judgment dated 14.06.2024. A copy of the said judgment passed by the learned Division Bench is also placed before this Court, wherein the learned Division Bench observed as under:-

" The grievances of the Writ petitioners are that the said Government order has not been implemented properly. The learned counsel appearing for the appellants would vehemently contend that the benefits extended under G.O. Ms. No.363 Finance (PGC) department dated 23.08.2013 is not proper and the authorities have not extended the benefits as directed by the Hon'ble Supreme Court of India. The calculations made by the Pay and Accounts Office and the respective Treasuries are not in accordance with the Government order passed to implement the order of the Hon'ble Supreme Court of India. We cannot re-adjudicate the issues already decided by the Hon'ble Supreme Court of India. The issues are related to the retired employees, who retired from service in between 01.06.1988 and 31.12.1995. The Government Order in G.O. Ms. No.363 was issued in the year 2013 and thereafter, the revision of the pension was made pursuant to further pay Commissions also.

4. In view of the facts and circumstances, the order passed implementing the judgment of the Hon'ble Supreme Court of India cannot be interfered with by this Court and more so, the Hon'ble Supreme Court's order has been implemented by the Government and if at all any error committed by the Treasury officers or Pay and Accounts Office in calculating the benefits, it is for the aggrieved



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individual pensioners to approach the Treasury officer or Pay & Accounts Officer concerned for necessary clarifications or to verify the correctness of the fixation made with reference to the Government Order issued in G.O. Ms. No.363 Finance (PGC) department dated 23.08.2013. Therefore, the relief as such sought for in the Writ petitions and Writ appeals cannot be granted by this Court and consequently all the Writ appeals are disposed of. It is needless to state that the fixation of pension or revision of pension made in accordance with the pay rules and Government orders in force, need not be reduced."

2. In the light of the above, this Writ Petition stands disposed of in terms of the above order passed by the learned Division Bench of this Court. The connected miscellaneous petitions if any, shall stand closed. No costs.

06.09.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

dpa

To

1. Government of Tamil Nadu
Represented by its Secretary,
Finance (PGC) Department,
Fort St. George
Chennai 600 009.



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2. The Principal Accountant General (A&E)
361, Anna Salai,
Teynampet
Chennai-600 018
3. The Commissioner of Treasuries and Accounts
Panagal Buildings,
Saidapet,
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