



W.P.No.3352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3352 of 2024

S.Nallamuthu

... Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by its Additional Chief Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai – 600009.
 2. The Under Secretary to Government,
Finance (Pension) Department,
Secretariat,
Chennai – 600009.
 3. The Principal Accountant General (A&E),
No.361, Anna Salai,
Teynampet,
Chennai – 600018.
 4. The District Collector,
Chengalpattu Dt.,
 5. The Treasury Officer,
District Treasury Office,
Tambaram,
Chengulpet District – 603 001.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India



W.P.No.3352 of 2024

praying for the issuance of a Writ of Mandamus, directing the respondents to pass orders to grant 20% additional pension earmarked from 80 years to 84 years i.e. Commencing of 80th year, as per G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017 in para 20(1) in slab(1) of the above Government Order and in the light of the order dated 08.07.2019 passed by the Honourable Supreme Court of India in SLP (Civil) No. 18133 of 2019 by way of upholding the order dated 15.03.2018 of the Division Bench of Honourable Gauhati High Court order passed in WP (C) No.4224 of 2016 (Virendra Dutt Gyani, Indore Vs The Union of India and others) same was followed this Honourable High Court passed order in WP (MD) No.13264 of 2022 dated 22.07.2022 to grant 20% Additional pension to the petitioner from 10.06.2022.

For Petitioner : Mr.S.Mani

For R1, R2
R4 and R5 : Mr.K.Tamilvendan
Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents to pass orders to grant 20% additional pension earmarked from 80 years to 84 years i.e. Commencing of 80th year, as per G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017 in para 20(1) in slab(1) of the above Government Order and in the light of the order dated 08.07.2019 passed by the Honourable Supreme Court of India



W.P.No.3352 of 2024

in SLP (Civil) No. 18133 of 2019 by way of upholding the order dated 15.03.2018 of the Division Bench of Honourable Gauhati High Court order passed in WP (C) No.4224 of 2016 (Virendra Dutt Gyani, Indore Vs The Union of India and others) same was followed this Honourable High Court passed order in WP (MD) No.13264 of 2022 dated 22.07.2022 to grant 20% Additional pension to the petitioner from 10.06.2022.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The case of the petitioner is that the petitioner is a retired Deputy Director. He had attained the age of superannuation on 30.06.2000. As per the Government Order the petitioner had completed 79 years, on 09.06.2022 and he is entitled to get additional 20% pension with effect from 10.06.2022. Therefore, the petitioner made a representation on 28.02.2023 to the District Collector, Chengalpattu and same was recommended to the fourth respondent on 06.06.2023. Till now, no order has been passed. Hence, this writ petition.



W.P.No.3352 of 2024

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4. The reasoning adopted by the Government may not be correct in view of their own order in G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, which provides for 20% of additional pension / family pension for the pensioners, who attained the age from 80 years to 84 years. When the Government order itself facilitates the additional quantum of pension at the rate of 20% for the pensioners, who have reached the age of 80 years, the reason that such a decision is a policy decision of the Government may not be correct. As such the petitioner would be entitled for additional pension of 20% from the date on which he has reached the age of 80 years.

5. In the light of the above findings, the petitioner is granted liberty to make an appropriate application to the fifth respondent, seeking for additional pension at the rate of 20% and on receipt of such an application, the fifth respondent, shall pass orders, granting additional pension in terms of G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, within a period of two weeks from the date of receipt of the application from the petitioner.



W.P.No.3352 of 2024

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6. Accordingly, this writ petition is allowed. There shall be no order as to costs.

19.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn



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W.P.No.3352 of 2024

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat,
Chennai – 600009.
2. The Under Secretary to Government,
Finance (Pension) Department,
Secretariat,
Chennai – 600009.
3. The Principal Accountant General (A&E),
No.361, Anna Salai,
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W.P.No.3352 of 2024

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