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W.P.No.7781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

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

**W.P.No.7781 of 2024**

S.A.K.Nawaz

...Petitioner

-Vs-

1.State of Tamil Nadu  
Rep. by Revenue Secretary  
Fort St.George  
Chennai-600009.

2.Treasury Officer  
District Officer  
Office of the District Treasury  
Coimbatore Collectorate  
7/1, State Bank Road  
Gopalapuram, Coimbatore-641 018

... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records ending with the order of second respondent dated 17.12.2022 and made in proceedings Na.Ka. No.17467/2022/Y2 and to quash the same and consequently direct the second respondent to pay enhanced pension as per G.O.Ms No.42 dated 07.02.2011 with effect from 14.03.2021 onwards.



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For Petitioner : Mr.N.Ishtiaq Ahmed

For Respondents : Mr.K.Tamilvendan  
Government Advocate

### **ORDER**

This Writ Petition has been filed challenging the order passed by the second respondent dated 17.12.2022, thereby granted benefit of pension after completion of eighty years i.e., from the month of March 2022.

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

3. The petitioner was a retired Assistant Public Prosecutor. His date of birth was 11.03.1942. The petitioner claimed benefits under G.O.Ms.No.42, dated 07.02.2011 and accordingly, those persons who retired and whose age is between 80 – 84 is entitled for increase of their basic pension. However, the petitioner was granted 20% of pensionary benefits until after completion of 80 years i.e., from the month of March 2022.



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4. The learned counsel appearing for the petitioner relied upon the G.O.Ms.No.42 dated 07.02.2011 and also 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. He further submitted that the person who is stepping into 80 years to be calculated for 20% of his pension.

5. From perusal of the Government order, it is clear that a person of 80 -84 years is entitled for 20% of pension benefits. It means, completion of 80 years only to be calculated for benefit of 20% enhancement. For example, when the first birth date will be celebrated only after completion of one year. Further the age of the person has to be calculated only completion of the number of years. Therefore, in the month of March 2021, the petitioner is stepping into 80<sup>th</sup> year and as such, the respondent rightly calculated his age and had given benefit only after completion of 80 years from the month of March 2022. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent. Thus the writ petition is devoid of merits and is liable to be dismissed.



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6. Accordingly, this Writ Petition stands dismissed. No costs.

25.03.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No  
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To

1.The Revenue Secretary  
Fort St.George  
Chennai-600009.

2.Treasury Officer  
District Officer  
Office of the District Treasury  
Coimbatore Collectorate  
7/1, State Bank Road  
Gopalapuram, Coimbatore-641 0181.



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**G.K.ILANTHIRAIYAN. J.**

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