



Writ Petition No.10302 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10302 of 2023

and

W.M.P.No.10281 of 2023

R.Swaminathan
S/o.B.Raju

... Petitioner

Vs.

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

2.The Financial Advisor & Chief
Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the pension recovery letters to the petitioner in Sr.AO(Pension)/ALC/2017/F dated 06.01.2018 on the file of second respondent and quash the same.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.Niranjan Rajagopalan



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ORDER

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This writ petition has been filed challenging the letter dated 06.01.2018, which according to the petitioner is seeking to recover certain amounts from the petitioner.

2. Heard Mr.V.Elangovan, learned counsel for petitioner and Mr.Niranjan Rajagopalan, learned counsel for respondents.

3. The case of the petitioner is that he was working as Tally Clerk, CHD, Traffic and he retired from service on 31.05.2006. The grievance of the petitioner is that the second respondent, through the impugned letter dated 06.01.2018, started recovering from the pension amount of the petitioner from January 2018 onwards every month in equal instalments. Aggrieved by the same, the present writ petition has been filed before this Court.

4. A similar writ petition was filed in W.P.No.10878 of 2018 and the said writ petition was disposed of by an order dated 27.02.2024.

The relevant portions are extracted hereunder:



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"2. During the course of hearing, the learned counsel for the petitioner submits that in the light of the averments made in the counter affidavit filed by the respondents wherein it is stated that the pensioners were given options and the method they choose is adopted by the respondent. For the excess amount of gratuity that is already paid is adjusted with the pension payment to bring parity with all those who have been under central government definition of pay. There is no recovery or repayment, in that sense carried out, but only an adjustment of excess gratuity under the old scheme.

3. Further, the pensioners stand benefitted and it will be operated only with their consent. It is also further averred that the order impugned is in favour of the petitioner and the central government of pay would be more beneficial to the petitioner. It is further averred that the order impugned is in favour of the petitioner and the central government definition of pay would be more beneficial to the petitioner.

4. The learned counsel for the petitioner sought permission of this Court to withdraw this writ petition. Placing the stand of the respondents made in their counter affidavit on record, permission is granted to withdraw this writ petition."

5. Learned counsel for petitioner submitted that the petitioner will opt under the Central Government pay, which will be more beneficial to the petitioner.

6. In the light of the above submission, there shall be a direction to the petitioner to specifically exercise the said option and intimate the same to the Chennai Port Trust and on receipt of the same,

N.ANAND VENKATESH, J



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the respondents shall deal with the said option and proceed further in accordance with law.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

21.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

2.The Financial Advisor & Chief
Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

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