



W.P. No.4690 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.4690 of 2015

K.V.Gopalan

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Chennai Region, Saidapet,
Chennai-600 015.

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

3.The Secretary,
D.D.Goverdhan Doss Vaishnav College,
Arumbakkam, Chennai-600 106.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the Respondents more particularly the proceedings of the 2nd Respondent relating to his uncommunicated remark made in P21/12106844/3/R2106644 dated 04.12.2012 reducing the rate of pension from Rs.10,115/- to Rs.9,865/- and crediting into the petitioner's bank account and quash the same as null and void, illegal and invalid and consequently directing the 1st



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Respondent to retain the petitioner's pension at Rs.10,115/- apart from refunding the arrears of difference in the pension, DCRG and commutation from 01.11.2012 the date of retirement to the date of reimbursement in full amount together with interest at the rate of 18% per annum.

For Petitioner : Mr.Maria Joseph David
for A.Amal Raj

For Respondents : Mr.D.Ravinchander
Special Government Pleader (for R1)
Mr.T.S.Selvarani (for R2)
Mr.K.Shakespeare (for R3)

ORDER

The writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records of the Respondents more particularly the proceedings of the 2nd Respondent relating to his uncommunicated remark made in P21/12106844/3/R2106644 dated 04.12.2012 reducing the rate of pension from Rs.10,115/- to Rs.9,865/- and crediting into the petitioner's bank account and quash the same as null and void, illegal and invalid and consequently directing the 1st Respondent to retain the petitioner's pension at Rs.10,115/- apart from refunding the arrears of difference in the pension, DCRG and commutation from 01.11.2012 the date of retirement to the date of reimbursement in full amount together with interest at the rate of 18% per



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2. The petitioner was appointed as Laboratory Assistant in the 3rd Respondent College, a Private Aided College on 13.07.1976. He was promoted as Typist and thereafter as Assistant and finally superannuated as Superintendent on 31.10.2012. The 1st Respondent had sanctioned superannuation pension of Rs.10,115/- per month vide proceedings dated 03.10.2012 which was calculated on the basis of last drawn wage/pay i.e., Rs.15,430/- together with a Grade pay of Rs.4,800/-. However, a sum of Rs.9,865/- was credited towards pension and retirement benefits instead of Rs.10,115/-. It is submitted by the learned counsel for the Respondent that there was an audit objection which required the 1st Respondent to refix the pension of Rs.9,865/-.

3. It is submitted by the learned counsel for the petitioner that the reduction / refixation of pension was done unilaterally without even putting the petitioner on notice, thereby denying the petitioner any opportunity to put forth his case. It is submitted that the entire proceedings suffers from



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violation of principles of natural justice.

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4. It was submitted by the learned counsel for the petitioner that they may be permitted to raise the question of jurisdiction/ authority to refix the salary and consequential pensionary benefits post retirement inasmuch as according to the petitioner, after retirement the relationship between the employee and the employer ceases and thus the pension cannot be refixed.

5. The learned counsel for the Respondents would submit that the petitioner would be issued notice within a period of 4 weeks from the date of receipt of a copy of this order setting out the reason for reduction of pension. The petitioner would respond / submit its explanation within a period of 8 weeks thereafter Orders shall be passed within a period of 4 weeks from the date of receipt of objection if any, after affording the petitioner a reasonable opportunity in accordance with law.

6. This Court leaves it open to the petitioner to raise all objections that



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may be available to them. If any sums are found to be due to the petitioner at

the end of the enquiry / proceeding / passing of order, the same shall be paid

within a period of 4 weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of. No costs.

20.06.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Chennai Region, Saidapet,
Chennai-600 015.

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3.The Secretary,
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MOHAMMED SHAFFIQ, J.

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