



W.P.No.9350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

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

W.P.No.9350 of 2024 and
WMP.No.10371 of 2024

B.Vishwanathan

... Petitioner

Vs.

- 1.The Director(Training),
State Training Centre,
Tamilnadu Fire and Rescue Service,
Tambaram,
Chennai 600 047
- 2.The Principal Accountant General(A&E),
Tamilnadu,
No.361, Anna Salai,
Teynampet,
Chennai 600 018
- 3.The Treasury Officer,
District Treasury,
Kancheepuram
- 4.The Sub Treasury Officer,
Sub Treasury,
Tambaram,
Kancheepuram District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue a Writ of Mandamus forbearing the respondents not to deduct any amount from the petitioner's pension account PPO.No.C417256/FIR and credit the entire pension amount to his account i.e. Rs.26,950/- and consequently directing the respondents to reimburse an amount of Rs.32,268/- which was deducted in the petitioner's pension from August 2023 to March 2024.

For Petitioner : Mr.A.Velmurugan

For Respondents

For R1, 3 & 4 : Mr.V.P.R.Elamparithi,
Additional Government Pleader

ORDER

This writ petition has been filed to forbear the respondents not to deduct any amount from the petitioner's pension account.

2. The petitioner had joined in the service of the Tamilnadu Fire Services Department as Fireman and subsequently, he was promoted to the post of Driver. Thereafter, he was granted Selection Grade. After promotion to the post of Mechanic with effect from 30.06.2007, the petitioner was retired from service on 31.03.2008 on attaining the age of



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superannuation. The petitioner was drawing monthly pension as authorised by the second respondent through the fourth respondent in his account with Indian Overseas Bank, Pammal Branch, Chennai. As per GO.Ms.No.234 Finance (PC) Department dated 01.06.2009, the second respondent authorised revision of pension from 01.04.2008 at Rs.11,046/-. However, his monthly pension from the month of November 2011 was reduced to Rs.9,444/- without any reason and without any prior notice to the petitioner. Therefore, the petitioner submitted representation and it was not considered. Hence, the petitioner was constrained to approach this Court in WP.No.37235 of 2016, wherein this Court directed to consider the representation submitted by the petitioner. Thereafter, the petitioner's pension was revised at Rs.26,950/- from August 2021. Once again from the month of August 2023, the petitioner's pension was reduced at Rs.5,378/- and he is receiving pension only at Rs.21,212/-. That order was also passed without any notice and without any opportunity of hearing to the petitioner.



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3. Counter has been filed by the first respondent and the learned Additional Government Pleader appearing for respondents 1, 3 & 4 represented that after sending proposal for pension benefits, the first respondent has no role to play. Therefore, the first respondent is neither aware of the pension amount of Rs.26,950/- nor deduction of any amount to the tune of Rs.5,378/-. Though several opportunities were given to the second respondent for filing counter, the second respondent failed to file any counter so far. Now without any notice, without any reason, the second respondent mechanically deducted a sum of Rs.5,378/- from the petitioner's pension from the month of August 2023.

4. Therefore, the second respondent is hereby directed to disburse the monthly pension as fixed at Rs.26,950/- from the month of July 2024 onwards. The second respondent is also directed to disburse the deducted amount from the month of August 2023 within a period of four weeks from the date of receipt of copy of this order and also to continue to pay monthly pension at Rs.26,950/- with regular increase from time to time. Further, the second respondent is at liberty to deduct pension only after due process of law.



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5. With the above directions, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

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- 2.The Principal Accountant General(A&E),
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