



WEB COPY



W.P.No.11077 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Writ Petition No.11077 of 2024
and W.M.P.Nos.12160 of 2024**

Mr.M.N.Ramamurthy

... Petitioner

Vs.

1. The District Treasury Officer,
Nilgiris District Treasury,
Udhagamandalam,
The Nilgiris District.

2. Block Educational Officer – 3,
Udhagamandalam,
The Nilgiris District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed in Na.Ka.No.2091/A5/2023 dated 04.01.2024 signed on 30.01.2024 and quash the same and further direct the 1st respondent to continue to pay a sum of Rs.35,657/- as monthly pension to the petitioner.

For Petitioner : Mr.P.Venkatraman

For Respondents : Mr.C.Jayaraman
Government Advocate [R1]

: V.Manoharan
Additional Government Pleader [R2]



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ORDER

On a perusal of the impugned order dated 04.01.2024, it can be seen that the second respondent had taken up the question of fixation of pension of the petitioner.

2. Upon considering, the second respondent has come to a conclusion that the pension fixed as Rs.10,150/-(Rupees Ten thousand one fifty only) by an order dated 04.11.2011 was erroneous and therefore the same is cancelled through the impugned order.

3. The second respondent cannot pass such an order without affording an opportunity to the petitioner.

4. Mr.C.Jayaprakasash, learned Government Advocate takes notice for the first respondent and Mr.V.Manoharan, learned Additional Government Pleader takes notice for the second respondent.

5. Even though the matter is coming up only for admission, on a perusal of the impugned order, it is very clear that only two references are made and there is no show cause notice issued. Therefore, in view of the



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nature of the order, that is proposed to be passed after hearing the learned

Government Advocate appearing for the respondents, this Court is

inclined to dispose of the writ petition on the following terms:

1. The impugned order dated 04.01.2024 is quashed.
2. However, the respondents will be at liberty to take up the issue afresh, more specifically by issuing a show cause notice to the petitioner and affording an opportunity to the petitioner.
3. No costs. Connected miscellaneous petition is closed.

24.04.2024

Index: Yes

Speaking Order: Yes

Neutral Citation: No

mp

To

1. The District Treasury Officer,
Nilgiris District Treasury,
Udhagamandalam,
The Nilgiris District.
2. Block Educational Officer – 3,
Udhagamandalam, The Nilgiris District.



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D.BHARATHA CHAKRAVARTHY, J.

mp

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