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W.P.No.5494 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.5494 of 2016

L.K.Annaswamy (Deceased)

1.Packialakshmi

2.N.Muthukannu

... Petitioners

(1st petitioner is substituted by an
order dated 24.06.2024 made in
W.M.P.No.22055 of 2023)

-VS-

1.The Principal Secretary to Government,
Finance (PGC) Department,
Fort St.George, Chennai – 09.

2.The Commissioner of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai – 15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution
of India praying to issue a writ of certiorarified mandamus calling



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for the records in pursuant to the impugned order issued by the 1st respondent in Letter No.61495 (MS)/PGC/2013 Finance (PGC) / Department Secretariat, Chennai, dated 04.02.2014 and quash the same and consequently direct the respondents to grant Revision of Pension in accordance with G.O.Ms.No.363 Finance (PGC) Department dated 23.08.2013 and pay all the arrears of pension and other consequential monetary benefits with interest at the rate of 12% per annum.

For petitioner : Mr.R.Prem Narayan

For respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The above writ petition has been filed challenging the letter dated 04.02.2014 in Letter.No.61495 (MS)/PGC/2013 Finance (PGC) / Department Secretariat, Chennai, in and by which, the first respondent has sought to clarify G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013, in and by which, a clarification was issued that the Dearness Allowance drawn on the date of retirement



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has already been merged and this percentage merged would be excluded while refixing pension as on 01.01.1996. This refixation would cause great prejudice to the pensioners and therefore, the above writ petition has been filed.

2. The above G.O.Ms.No.363, *supra*, was challenged in a batch of writ petitions stating that it was not in consonance with the judgment passed by the Hon'ble Supreme Court in a batch of cases in C.A.Nos.8848-8870 of 2012 and to direct the first respondent therein to modify the Government Order by rectifying the discrepancies. This batch of writ petitions have been disposed of by this Court by an order dated 15.05.2020, wherein, the learned Judge had observed that the clarifications which had been issued by the Government *vide* the letter impugned in the present writ petition was only advantageous to the pensioners and cannot be held as over riding the Government Order. The argument of the petitioner was, therefore, repulsed.



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3. Ultimately, this Court had held that G.O.Ms.No.363, *supra*, and subsequent clarification letters of the Government cannot be held as arbitrary or irrational or illegal and violative under the Articles 14 and 16 of the Constitution of India.

Considering the fact that the letter impugned in this writ petition has already been upheld by this Court in the batch of writ petitions, this writ petition stands dismissed. No costs.

24.06.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
ssa

To

1.The Principal Secretary to Government,
Finance (PGC) Department,
Fort St.George, Chennai – 09.

2.The Commissioner of Treasuries and Accounts,



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Panagal Building,
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P.T.ASHA, J.,

ssa

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24.06.2024

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