



WEB COPY

W.P.No.24243 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24243 of 2014

1. J.Selvaraj
2. P.Ramanathan
3. T.Somasundaram
4. A.Abdul Jaffar
5. M.Ramasamy
6. T.V.Narayanan
7. R.S.Sundaramahalingam
8. M.Sivanandi
9. A.Mariappan
10. S.Muthalsamy
11. P.V.Srinivasan
12. R.Nallasivam
13. B.Ramaraj
14. M.P.Rajagopal
15. G.Alamelu
16. Guriji Swamy
17. R.Ramalingam
18. D.Ramalingam
19. R.Thangarajau



20. R.Damodaran
21. G.Kesavan
22. T.Dhandapani
23. A.Velayutham
24. A.Balusami,
25. T.G.Sanmugam,
26. S.Sundaresan
27. A.Sorupanandan,
28. D.Magimaidas,
29. K.Sivanasan,
30. V.Shanmugham,
31. T.V.Subramaniyan
32. R.Munusamy
33. R.Govindasamy
34. M.Sriramulu,
35. P.Shanmugam
36. A.Sayad Asath
37. V.Thiagarajan
38. S.Baskarasethupathy
39. A.K.Abdul Salam
40. N.Kannan
41. A.Thangaraj
42. T.Singaram
43. T.Srinivasan Ramanujam
44. M.Rangasamy
45. M.Jayaraman,



46. V.Israel
47. G.Balambal
48. S.Thilagavathani
49. A.V.Janakiraman
50. K.Purushothaman
51. R.Govindarajalu
52. A.Jayaraman
53. N.Vilvanathan
54. S.Kannan
55. G.Karpagavalli
56. N.Ranganathan
57. M.Veerasamy
58. V.Chandrasekaran
59. A.Viruthambal
60. D.Sarojini
61. A.Ameerjhon Begum
62. V.Ragavendran
63. K.Kaluvan
64. M.Unnamalai
65. N.Poongavanam
66. P.Ranganathan
67. V.Aravamuthan
68. V.Kannan
69. D.Muniyan
70. G.Narasimhan
71. R.Balakrishnan



72. N.Gopalakrishnan

73. C.Asirvatham

74. M.Balasubramanian

75. K.Swamikannu

76. T.R.Narasingan

77. K.Bheema Rao

78. A.Adiyapatham

79. I.Joseph

80. M.Natesan

81. C.Parvatham

82. A.Arunachalam

83. B.Krishnamoorthy

84. P.Agasthian

85. P.Govindasamy

86. G.Natarajan

87. R.Raghavan

88. T.V.Pattabiraman

89. S.Arangarasu

90. S.Arumugam

... Petitioners

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Finance (PGC) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Principal Accountant,
General(A & E), 361,



Anna Salai, Teynampet,
Chennai 600 018.

3. The Commissioner of Treasuries and Accounts,
Panagal Buildings, Saidapet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the clarification letter issued by the 1st Respondent in Letter No.61495(Ms.)/PGC/2013 Finance (PGC) Department dated 04.02.2014 and its allied Letter No. 24050/PGC/2014-1 Finance (PGC) Department dated 28.05.2014 as null and void and unenforceable in the eye of law, further the 2nd Respondent has not raised any doubt from the 1st Respondent through the letter Pen 30/1-76/2013-14/96083 dated 23.10.2013 as stated by the 1st Respondent in the clarification letter dated 4.2.2014 and thereby direct the 1st Respondent to issue orders for the payment of arrears of Dearness Allowance for the difference of the pre-revised pension minus original pension from the date of retirement to till date as the Dearness Allowance/ Pay is one of the many components, which go into the eventual determination of pension as specifically indicated by the Apex Court in paragraph 30 of its Judgement dated 17.01.2013 and direct the 1st respondent to issue instructions to the 3rd respondent to revise the pension automatically as per G.O.174 dated 21.04.1998 and G.O.235 dated 01.06.2009 as already orders in Paragraph 15 of G.O.363 dated 23.08.2013 as for as the petitioners are concern and pay the consequential arrears within a stipulated period.

For Petitioners : Mr.A.R.Nixon

For Respondents : Mr.Azizulla Khan

ORDER

When the matter is taken up for consideration, it is represented by
Mr.A.R.Nixon, learned counsel for the petitioners and Mr.Azizulla Khan,



learned counsel appearing for the respondents that similar batch of Writ Petitions were already dismissed by a learned Single Judge of this Court and the same was also confirmed in W.A.Nos.2712, 2713 and 1518 of 2021 by a common judgment dated 13.06.2024. A copy of the said judgment passed by the learned Division Bench is also placed before this Court, wherein the learned Division Bench observed as under:-

" The grievances of the Writ petitioners are that the said Government order has not been implemented properly. The learned counsel appearing for the appellants would vehemently contend that the benefits extended under G.O. Ms. No.363 Finance (PGC) department dated 23.08.2013 is not proper and the authorities have not extended the benefits as directed by the Hon'ble Supreme Court of India. The calculations made by the Pay and Accounts Office and the respective Treasuries are not in accordance with the Government order passed to implement the order of the Hon'ble Supreme Court of India. We cannot re-adjudicate the issues already decided by the Hon'ble Supreme Court of India.. The issues are related to the retired employees, who retired from service in between 01.06.1988 and 31.12.1995. The Government Order



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in G.O. Ms. No.363 was issued in the year 2013 and thereafter, the revision of the pension was made pursuant to further pay Commissions also.

4. In view of the facts and circumstances, the order passed implementing the judgment of the Hon'ble Supreme Court of India cannot be interfered with by this Court and more so, the Hon'ble Supreme Court's order has been implemented by the Government and if at all any error committed by the Treasury officers or Pay and Accounts Office in calculating the benefits, it is for the aggrieved individual pensioners to approach the Treasury officer or Pay & Accounts Officer concerned for necessary clarifications or to verify the correctness of the fixation made with reference to the Government Order issued in G.O. Ms. No.363 Finance (PGC) department dated 23.08.2013. Therefore, the relief as such sought for in the Writ petitions and Writ appeals cannot be granted by this Court and consequently all the Writ appeals are disposed of. It is needless to state that the fixation of pension or revision of pension made in accordance with the pay rules and Government orders in force, need not be reduced."



2. In the light of the above, this Writ Petition is also disposed of in terms of the above order passed by the learned Division Bench of this Court.

No costs. Connected Miscellaneous Petitions, if any shall stand closed.

23.08.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

skr

To

1. The Principal Secretary to the Government of Tamil Nadu,
Finance (PGC) Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Principal Accountant,
General(A & E), 361,
Anna Salai, Teynampet,
Chennai 600 018.
3. The Commissioner of Treasuries and Accounts,
Panagal Buildings, Saidapet,
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