IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.26788 of 2014

1.P.G.Masilamani
2.B.Renganathan
3.P.P.Mukundan
4.C.Padavettan
5.K.Palanisamy
6.K.Ramamoorthy
7.R.Iswaramurthy
8.J.Gnanaprakasam
9.K.Neelamegam
10.R.Rengasamy
11.R.Dwaraka Prasad
12.S.Subramanian
13.V.Narayanasamy
14.S.Sankararaj
15.S.Jebamoney
16.P.Ramakrishnan
17.K.Sakunthala
18.Thangammal
19.P.Mannagatti
20.M.Thiyagarajan Milton
21.M.Sundaramurthy
22.C.A.Lakshmi
23.K.G.Parasuraman
24.A.Sowrinathan
25.S.Ramakrishnan
26.P.Ganesan
27.S.Narayanan
28.S.Ramasamy

29.P.Vatsala Bai
30.C.Natarajan
31.A.Rajasekaran
32.S.Shanmugam
33.P.Ramasamy
34.M.Masimalai
35.G.Chandrasekara Gupta
36.V.M.Parvathi
37.N.Krishnamoorthy
38.K.Srinivasan
39.S.Lakshminarasimhan
40.V.Prakasam
41.C.S.Neelayadakshi
42.M.Kandasami
43.R.Gopalakrishnan
44.V.N.Ranganathan
45.T.Govindarajan
46.R.Vedagiri
47.E.Dandapani
48.R.Krishnaveni
49.S.Gurumurthi
50.K.Lakshmipathi
51.V.Andivelan
52.A.Salath Mary
53.S.Elangovan
54.V.K.Manickam
55.A.Anthoni Ammal
56.P.Kannaiyan
57.R.Chinnaswamy
58.K.Chandrasekaran
59.A.S.Balakrishnan
60.G.Thamburaj
61.C.Chellappan
62.M.Subramanian
63.M.Subramanian
64.K.Natesan
65.K.Kavathal
66.M.Narayanan

67.P.Gomathinayagam
68.K.Raju
69.N.Harihara Subramanian
70.S.Munirathinam
71.S.S.Kandasamy
72.V.Krishna Sharma
73.N.M.Raman
74.P.Rangan
75.M.M.Raman
76.J.Raman
77.A.T.Sakkolai
78.B.Nagulan
79.S.T.Raju
80.T.Nanjan
81.S.Rangan
82.K.B.Bojan
83.K.K.Raman
84.M.Santhamani
85.B.M.Bellie
86.G.S.Nanjan
87.K.Halan
88.K.Raman
89.S.M.Raman
90.K.R.Nanjan ... Petitioners

versus

1.State of Tamil Nadu,
Represented 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 filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the clarification letter issued by the first respondent in Letter No.61495 (Ms.)/PGC/2013 Finance (PGC) Department dated 04.02.2014 and its allied Letter No.24056/ PGC/2014-1 Finance (PGC) Department dated 28.05.2014 as null and void and unenforceable in the eye of law, further the second respondent has not raised any doubt from the first respondent through the letter Pen 30/1-76/2013-14/96083 dated 23.10.2013 as stated by the first respondent in the clarification letter dated 04.02.2014 and thereby direct the first 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 judgment dated 17.01.2013 and direct the first respondent to issue instructions to the third respondent to revise the pension automatically as per G.O.174 dated 21.04.1998 and G.O.235 dated 1.6.2009 as already ordered in paragraph 15 of G.O.363 dated 23.8.2013 as far as the petitioners are concern and pay the consequential arrears within a stipulated period.

For Petitioners : Mr.A.R.Nixon

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

_O R D E R_

Today, when the matter is taken up for consideration, it is represented by Mr.A.R.Nixon, learned counsel appearing for the petitioners and Mrs.V.Yamuna Devi, learned Special Government Pleader 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:-

> *"**3**. ...*
> *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 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.

3. There shall be no order as to costs.

09.12.2024

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
sri

To

1.The Principal Secretary,

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, Chennai - 600 018.

G.ARUL MURUGAN, J.

sri

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