



WEB COPY



W.P.No.34926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.34926 of 2024

S.R.Dayalan

...Petitioner

-Vs-

1.The Chairperson,
The Chennai Port Trust,
Rajaji Salai,
Chennai,
Tamil Nadu – 600 001.

2.The Secretary,
Ministry of Port, Shipping,
No.1, Parliament Road,
New Delhi – 110 001.

3.The Director,
Ministry of Personnel PG & Pensions,
Department of Pension & Pensioners Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi – 110 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to dispose the petitioner's representation dated 21.08.2024 and to return the amount Rs.1,35,000/- recovered from the



W.P.No.34926 of 2024

petitioners pension within the stipulated time period fixed by this Court and pass such further orders.

For Petitioner : Mr.S.Vennila

For Respondents : Mr.Arun Dhanabalan
Standing Counsel

ORDER

Mr.Arun Dhanabalan, learned Standing Counsel takes notice on behalf of the respondents. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking a direction to the respondents to dispose of the petitioner's representation dated 21.08.2024 and to return the amount Rs.1,35,000/- recovered from the petitioner's pension within the stipulated time.

3. Learned counsel appearing for the petitioner contended that the petitioner has rendered service as Assistant Traffic Manager Gr-1/ Traffic Department, Chennai Port Trust and retired on 31.09.2011 on superannuation. After the petitioner's retirement, during September 2011,



W.P.No.34926 of 2024

duly granted petitioner's pension (PPO No.13940) from October 2011 to December 2011 as per CCP rules as Class-1 Officer. The petitioner had received the pension from the port as Class-3 Employee as Asst.tech-Gr.1, without his knowledge, he was demoted. The petitioner came to know the facts during March 2019, for the past one decade, i.e., from January 2012 to March 2019, the port admin paid petitioner's pension as Class-3 Employee. According to the directions of this Court in January 2019, the Ministry and the respective ports must pay the interim relief (10 percent of basic pension) to the officers of Class-1 and Class-2 with immediate effect. While receiving the pension arrears as interim relief, the petitioner came to know that the amount paid to the petitioner was excess than his colleague officers. When he approached the pension section, the Account Officer (pension) in turn informed the petitioner that an error had occurred from January 2012, that his designation was being changed erroneously from Class-1 Officer (Assistant Traffic Manager-Gr-1) to Class 3 employee as Asst.Tech, Gr-1 and further informed him to approach the office next week.

4. Learned counsel further contended that the Account Officer stated that the port has excessively paid more than 1 lakh and thirty five thousand rupees to the petitioner. The FA&CAO asked the Account Officer



W.P.No.34926 of 2024

to contact the petitioner and to proceed for making recovery of the excess amount paid from his pension. The petitioner agreed to recover a sum of Rs.5000/- from his pension from October 2019. Thereafter, the petitioner had obtained a circular notification from the Ministry of Pension and Pension Grievances, wherein the Hon'ble Supreme Court had given directions to the Authority concerned stating that 'no recovery should be made against the Pensioner, being the excess payments made by the admin' and the High Commands forwarded the circular notification to the whole Organisation of Govt. of India including the Ministry of Port, Ship and Waterways. On the request made by the petitioner, the P&G and P/W Department forwarded a copy of the e-mail notification with underlining of the respective official specified as Dr.Rajiv Ranjan I.A.S, Secretary of the Ministry of Port, Ship and Waterways.

5. Learned counsel submitted that the petitioner approached the Chennai Port Admin and the respective officials of the Ministry, but both repeatedly denied the request. The petitioner also sent the request letters to the first respondent / Chennai Port Trust on 21.08.2024, but till date the Petitioner's representation has not been considered. Hence, this writ petition is filed.



W.P.No.34926 of 2024

6. Learned Standing Counsel appearing for the respondents submitted that the petitioner's representation would be considered on merits and in accordance with law by the authority concerned.

7. Heard both sides and perused the materials available on record.

8. Without going into the merits of the case, the third respondent is directed to consider the representation of the petitioner dated 21.08.2024 in the light of Office Memorandum in O.M.No.36/13/2019-P&PW(A), Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners' Welfare dated 14.08.2020 within a period of eight weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs.

26.11.2024

cda

Index : Yes / No

Speaking / Non-Speaking Order



WEB COPY



W.P.No.34926 of 2024

J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The Chairperson,
The Chennai Port Trust,
Rajaji Salai,
Chennai,
Tamil Nadu – 600 001.
- 2.The Secretary,
Ministry of Port, Shipping,
No.1, Parliament Road,
New Delhi – 110 001.
- 3.The Director,
Ministry of Personnel PG & Pensions,
Department of Pension & Pensioners Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi – 110 003.

W.P.No.34926 of 2024

26.11.2024