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W.P.No.36277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36277 of 2023

Lalitha Gopalakrishnan

...Petitioner

-Vs-

1.The District Treasury Officer,
Chengalpattu Collectorate Campus,
Chengalpattu - 603 001.

2.The Assistant Treasury Officer,
Alandur, Muthamizh Nagar,
Pammal, Chennai - 600 075.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents herein to consider and pass necessary orders on the representations of the Petitioner, with the latest being dated 26.06.2023, sanctioning 20% additional pension for self and family pension of the Petitioner's husband, with effect from 01.05.2021, i.e., on the Petitioner reaching the age of 80 years, in consonance with G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017.

For Petitioner : Mr.SP.Patel

For Respondents : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

This Writ Petition has been filed for direction directing the respondents to consider the representation of the petitioner seeking 20% of additional pension for self and family pension of the Petitioner's husband, with effect from 01.05.2021, i.e., on the Petitioner reaching the age of 80 years, in consonance with G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is a retired Deputy Director of Social Welfare, Directorate of Social Welfare and NMP, Chepauk, Chennai. Her date of birth is 03.05.1942. She is also a family pensioner, on the demise of her husband. As per G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, it has been provided by the Government that 20% of additional pension/family pension for the pensioners have to be sanctioned from the date of attaining the age of 80 years. The petitioner is claiming 20% of the additional pension/family pension from 01.05.2021 viz., on the date of beginning of 80th year. The birth of



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the petitioner is 03.05.1942 and 80 years has been completed only on 03.05.2022. Therefore, she is entitled for 20% of additional pension/family pension only after completion of 80 years.

4. The learned counsel for the petitioner would submit that G.O.Ms.No. 313, Finance (Pay Cell) Department, dated 25.10.2017 states that in respect of additional pension/family pension, a person from 80 years to 84 years is entitled to get 20% of revised pension/family pension. Therefore, if the pensioner is touching the age of 80 years, the pensioner is entitled to get additional 20% of revised pension/family pension.

5. A perusal of G.O.Ms.No.313 Finance (Pay Cell) Department, dated 25.10.2017, it is clear that the additional pension of 20%/family pension is entitled only on attaining the age of 80 years and it shall be admissible from the first day of the month in which the date of birth falls. If the pensioner/family pensioner completes the age of 80 years on any date, the pensioner shall become entitled to additional pension/family pension with effect from the first date of next month.



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6. The birth of the petitioner is 03.05.1942, she completes the age of 80 only on 03.05.2022. Therefore, she is entitled for additional 20% of pension/family pension only from 01.06.2022, as per G.O.Ms.No.313 Finance (Pay Cell) Department, dated 25.10.2017. Therefore, the representation submitted by the petitioner cannot be considered and this writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

04.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

- 1.The District Treasury Officer,
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Chengalpattu - 603 001.
- 2.The Assistant Treasury Officer,
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G.K.ILANTHIRAIYAN. J,

mn

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