



WP(MD)No.17832 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17832 of 2014
and
MP(MD)No.2 of 2014

- 1.A.Vedamuthu
- 2.S.Kandasamy
- 3.K.Perumal
- 4.Paul Kanakaraj
- 5.P.Baskaran
- 6.Savarimuthu
- 7.N.L.Madhavan
- 8.Muthunarayanan
- 9.L.Gnanaprakasam
- 10.C.Balakrishnan
- 11.S.M.Mytheen
- 12.M.Thangiah



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13.V.Devaraj

14.R.Kaliswamy

.. Petitioners

v.

1.The Principal Controller of Defence Accounts (Pension),
Draupadighat,
Allahabad – 211 014.

2.The Controller of General Defence Accounts,
Ulan Batar Road,
Palam, Delhi Contt. 110 010.

3.The Director of Treasuries and Accounts,
Panagal Buildings, Saidapet,
Chennai.

4.The District Collector,
Madurai.

5.The Treasury Officer,
District Treasury Office,
Madurai – 625 020.

6.The Assistant Treasury Officer,
Sub Treasury Office,
Madurai South TO,
Madurai – 625 020.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus forbearing the respondents 3, 5, 6



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from transferring the military pension of the petitioners to any other Nationalized Bank for the payment of monthly pension other than from the Sub Treasury, Madurai South, on the basis of their representation dated 25.08.2014, 10.10.2014.

For Petitioners : Mr.C.Jeganathan

For Respondents : Mr.P.T.Thiraviam,
Government Advocate
for R.3 to R.6

ORDER

The petitioners before this Court are pensioners. They served in Indian Army and they are getting pension from the Government of India. The pension was originally provided through Treasury. After the introduction of ECS system, the petitioners were directed to open a bank account. Aggrieved over the same, the petitioners have filed this writ petition that a cruelty has been exerted on the soldiers.

2.This writ petition was filed in the year 2014 seeking a mandamus forbearing the responders from transferring the military pension of the



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petitioners to any nationalized bank for the payment of monthly pension other than from the Sub Treasury, Madurai South. This Court, on 06.11.2014, has granted an interim order and therefore, the petitioners were drawing the salary from the Treasury till date.

3. When this writ petition was taken up for hearing on 31.01.2018, a representation was made that the petition has become infructuous. Accordingly, this writ petition was dismissed as infructuous on 31.01.2018. Thereafter, a representation was made by the petitioners that the earlier representation was made erroneously and therefore, this Court, by order dated 26.03.2018, recalled the earlier order dated 31.01.2018 and restored the writ petition.

4. When this writ petition is taken up for hearing today, learned Counsel for the petitioners submitted that the petitioners are prepared to receive their pension through ECS mode from the nationalized bank and that nothing survives for further adjudication.



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5. Earlier, the process of payment of pension has been done by the Government through the Treasury Office. After the introduction of e-governance mode of payment, salary of all the Government employees and pensioners are paid only through ECS (Electronic Clearing System) mode. Even the Old Age Pension (OAP) are paid only through ECS mode. However, the petitioners without any reason have filed this writ petition, as if a cruelty has been made by directing them to open a bank account for the purpose of disbursing the pension amount. This Court does not find any merit in this writ petition.

6. The petitioners have also prolonged the proceedings for the past ten years. In the meantime, the respondents were made to file counter affidavit, apart from their regular work. The Government has also engaged the Government Advocate to defend the writ petition twice. Therefore, this Court is of the view that the writ petition deserves to be dismissed with cost.



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7.Considering the age of the petitioners and that they have served the nation in the Army, this Court imposes a cost of Rs.100/- on each petitioner. The respondents 5 & 6 shall recover this amount from the petitioners' pension and credit it in the Government's account.

Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No **11.12.2024**
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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