



WP(MD) No.8621 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.8621 of 2024

P.Thangaraju

... Petitioner

Vs.

1.The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Agriculture,
Agriculture Department,
Chepauk,
Chennai - 600 005.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department Chennai, to pay the petitioner's arrears of pension from 01.10.2017 to till date and to direct to continue to pay the full pension of Rs.16,340/- without any deduction as per the orders of this Court in W.P(MD).No.22741 of 2016 dated 07.01.2022 and accepted by the Government in G.O.(2D)No.188 dated 07.11.2022.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government,



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Agriculture Department Chennai, to pay the petitioner's arrears of pension from 01.10.2017 to till date and to direct to continue to pay the full pension of Rs.16,340/- without any deduction as per the orders of this Court in W.P(MD).No.22741 of 2016 dated 07.01.2022 and accepted by the Government in G.O.(2D)No.188 dated 07.11.2022.

2. Heard Mr.S.Visvalingam, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the petitioner happened to face a disciplinary proceedings and at the conclusion of which, he was awarded with the punishment of



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compulsory retirement. However, the Government did not approve the punishment of compulsory retirement and modified the punishment as a cut of Rs.500/- (Rupees Five Hundred only) from the pension and cut of Rs.1,00,000/- (Rupees One Lakh only) from the DCRG. The said order was challenged by the petitioner by way of preferring a Writ Petition in W.P.(MD)No.22741 of 2016 and in which, the order has been modified by confirming only the cut in DCRG, but by allowing the full pension. The avidity part of the order is as under:

“7. The petitioner submitted that the government has issued another G.O. (3D) No. 233 Agriculture Department dated 19.10.2017 wherein it is stated the effect of compulsory retirement ordered in G.O. (3D) 268 Agriculture (AA7) Department dated 19.11.2016. In the said G.O. (3D) No. 233 it has been stated that Rs.500/- would be cut from the pension, the petitioner would be entitled to Rs.16,340/- but would receive Rs.15,840/-. It has also been stated there will be cut in gratuity to the tune of Rs.1,00,000/-, the petitioner would be entitled to



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*Rs.10,00,000/- but would be receiving Rs.9,00,000/-.
However this Court is inclined to modify the amount
of pension alone, the cut in pension of Rs.500/- is set
aside. The cut in gratuity to the tune of Rs.1,00,000/-
is confirmed.”*

5. Subsequently, Writ Appeal in W.A.(MD)No.1331 of 2022 filed by the Government was also dismissed as infructuous, because, the respondents submitted to the orders of the Court.

6. Now the grievance of the petitioner is that the petitioner has not been settled with the arrears of pension, which would accrue to him in view of the modified order of this Court.

7. As the respondent did not contest the entitlement of the petitioner as per the orders mentioned above, the petitioner is at liberty to make a fresh representation by clearly tabulating what is the amount due to him and what has been disbursed to him so far



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and what is the remaining amount that has to be disbursed in terms of the earlier orders and on receipt of the same, the respondents shall consider and pass orders in accordance with the earlier orders passed in W.P.(MD)No.22741 of 2016 as well as in W.A.(MD)No.1331 of 2022 within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

04.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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and Principal Secretary to Government,
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Chennai - 600 009.

- 2.The Commissioner of Agriculture,
Agriculture Department,
Chepauk,
Chennai - 600 005.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.8621 of 2024

Dated:
04.04.2024