



WP(MD) No.10112 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10112 of 2024

S.S.Ramakrishnan

... Petitioner

Vs.

1.The Principal Secretary
Finance (Pension) Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Treasuries and Accounts,
No.1, Geneis Salai,
Panagal Maligai,
Chennai - 600 015.



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3.The District Treasury Officer

District Treasury Office,

Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd Respondent to consider the petitioner's representation dated 12.02.2024 and grant additional quantum of Pension and Dearness Allowance of 20% which the petitioner is entitled in the case of 1st Slab from the 1st day, he entered into his 80th year i.e., from 27.07.2022 to 26.07.2023 within the stipulated period according to law.

For Petitioner : Mr.T.R.Janarthanan

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the 3rd Respondent to consider the



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petitioner's representation dated 12.02.2024 and grant additional quantum of Pension and Dearness Allowance of 20% which the petitioner is entitled in the case of 1st Slab from the 1st day, he entered into his 80th year i.e., from 27.07.2022 to 26.07.2023 within the stipulated period according to law.

2. Heard Mr.T.R.Janarthanan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional 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. According to the submission of the learned counsel for the petitioner, the petitioner has entered 80 years i.e., from 27.07.2022. The reliance was placed in the judgment rendered by this Court in W.P.No.34679 of 2022 dated 02.01.2023, wherein, it is held as under :



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“7. The petitioner has also relied upon an order dated 08.07.2019 passed by the Hon'ble Supreme Court in SLP Civil Diary No.18133 of 2019 in the matter of Union of India and Ors. Vs. Virendra Dutt Gyani in order to substantiate his claim that G.O. Ms. No.24, dated 10.06.2020 is contradictory to the said judgment. G.O. Ms.No.24, based on which currently the pension amount is paid to the petitioner is also enclosed along with this writ petition. The Note found under the tabular column in G.O. Ms. No.24, dated 10.06.2020 has made it clear that the expression -years- shall means completed years, whereas according to the petitioner as per the Hon-ble Supreme Court decision referred to supra, it must be the 1st day on which the petitioner had attained the age of 80 years.

8. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law after giving due consideration to the judgment of the Hon'ble Supreme Court referred to supra. It is for the respondents to



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consider and decide as to whether the said judgment is applicable to the case of the petitioner or not.

9. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 30.08.2022 requesting for grant of additional quantum of pension / family pension of 20%, which the petitioner claims he is eligible in the case of first slab on the 1st day of his 80th year i.e. 07.04.2018 to 06.04.2019, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, this writ petition is disposed of. No costs."

5. Similarly placed person like the petitioner has been given the benefit of 20% increase in the pension considering his completion of 79 years of age, the same should be extended to the petitioner as well, immediately after he enters his 80th year of age on and from 27.07.2022.



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6. Following the same, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 12.02.2024 requesting for grant of additional 20% of pension / family pension of 20%, with effect from the 1st day of his 80th year i.e. from 27.07.2022, within a period of six weeks from the date of receipt of a copy of this order.

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

24.04.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
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