



W.P.(MD).No.12545 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12545 of 2024

S.Kalaivanan

... Petitioner

Vs

1. The Secretary to Government,
Finance (Pension) Department,
Fort. St. George, Chennai.
2. The Principal Accountant General (A and E),
No.361, Anna Salai, Teynampet,
Chennai - 18.
3. The Director of Treasury And Accounts Department,
Panagal Building, No.1 Jeens Salai,
Saithapettai, Chennai 18.
4. The Treasury Officer,
District Treasury, Collector Office Campus,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay additional 20 percent of pension to the petitioner from starting of 80 years, i.e., from 15.06.2023 as per order passed by the Hon'ble Supreme Court in S.L.P.(Civil) No.18133 of 2019 and thereby upholding the order, dated



W.P.(MD).No.12545 of 2024

15.03.2018 of the Division Bench of Hon'ble Gauhati High Court passed in W.P.(MD) No.4224 of 2016 within a time fixed by this Court.

For Petitioner : Mr. T.Selvan

For Respondents : Mr.J.Ashok (R1)
Additional Government Pleader
Mr.G.Karthick (R2)

ORDER

Heard Mr.T.Selvan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first respondent and Mr.G.Karthick, learned counsel for the second respondent.

2.The petitioner, who has filed this writ petition seeking for a direction to the respondents to pay additional 20 percent of pension to the petitioner from starting of 80 years, i.e., from 15.06.2023 as per order passed by the Hon'ble Supreme Court in S.L.P.(Civil) No.18133 of 2019 and thereby, upholding the order, dated 15.03.2018 of the Division Bench of Hon'ble Gauhati High Court passed in W.P.(C) No.4224 of 2016 within a time fixed by this Court.

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



W.P.(MD).No.12545 of 2024

WEB COPY

4. According to the submission of the learned counsel for the petitioner, the petitioner has entered 80 years i.e., from 15.06.2023. The reliance was placed on the judgment rendered by this Court in ***W.P.No.34679 of 2022 dated 02.01.2023***, wherein, it is held as under :

“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 consider and



W.P.(MD).No.12545 of 2024

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 15.06.2023.

6. Following the same, this Court directs the respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 01.07.2023 requesting for grant of additional 20% of pension / family pension of 20%, with effect from the 1st day of his 80th year i.e.



W.P.(MD).No.12545 of 2024

from 15.06.2023, 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.

13.06.2024

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

To

1. The Secretary to Government,
Finance (Pension) Department,
Fort. St. George, Chennai.
2. The Principal Accountant General (A and E),
No.361, Anna Salai, Teynampet,
Chennai - 18.
3. The Director of Treasury And Accounts Department,
Panagal Building, No.1 Jeens Salai,
Saithapettai, Chennai 18.
4. The Treasury Officer,
District Treasury, Collector Office Campus,
Thanjavur.



WEB COPY



W.P.(MD).No.12545 of 2024

R.N.MANJULA, J.

PNM

**ORDER IN
W.P.(MD).No.12545 of 2024**

13.06.2024