



WP(MD) No.23600 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.23600 of 2022

S.Swamy Ayya Kone

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Additional Chief Secretary to Government,
Finance (Pay Cell) Department,
Secretariat,
Chennai- 600 009.

2.The Under Secretary to Government,

Finance (Pension) Department,
Secretariat,
Chennai- 600 009.



WP(MD) No.23600 of 2022

3.The Principal Accountant General (A and E),

No. 361, Anna Salai,

Teynampet,

Chennai - 600 018.

4.The Assistant Treasury Officer,

Sub Treasury Office,

Shengottah,

Thenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned letter dated 21.09.2022 passed by the 4th respondent and quash the same as illegal and consequently direct the 1st respondent to pass orders to grant the First Slab of Additional Pension of 20 percentage earmarked from 80 years to the petitioner with effect from 23.05.2022 i.e., starting from the beginning of 80th year and grant monetary benefits within a time stipulated by this Court in the light of the order 08.07.2019 passed by the Hon'ble Supreme Court of India to SLP(Civil) No. 18133 of



WP(MD) No.23600 of 2022

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2019 and thereby upholding the order dated 15.03.2018 of the Division Bench of Hon'ble Gauhati High Court passed in WP(c)No.4224 of 2016 (Virendra Dutt Gyani, Indore Vs. The Union of India and Others).

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.J.Ashok – for R1, R2 & R4

Additional Government Pleader

Ms. Mahalakshmi – for R3

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus calling for the records of the impugned letter dated 21.09.2022 passed by the 4th respondent and quash the same as illegal and consequently direct the 1st respondent to pass orders to grant the First Slab of Additional Pension of 20 percentage earmarked from 80 years to the petitioner with effect from 23.05.2022 i.e., starting from the beginning of 80th year and



WP(MD) No.23600 of 2022

grant monetary benefits within a time stipulated by this Court in the light of the order 08.07.2019 passed by the Hon'ble Supreme Court of India to SLP(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 WP(c)No.4224 of 2016 (Virendra Dutt Gyani, Indore Vs. The Union of India and Others).

2. Heard Mr.D.Nallathambi, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1, 2 and 4 and Ms.Mahalakshmi, learned counsel for the third respondent.

3. According to the submission of the learned counsel for the petitioner, the petitioner has entered 80 years i.e., from 23.05.2022. 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



WP(MD) No.23600 of 2022

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 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."

4. 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 23.05.2022.



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WP(MD) No.23600 of 2022

5. 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 26.08.2022 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 23.05.2022, within a period of six weeks from the date of receipt of a copy of this order.

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

26.04.2024

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

RM



WP(MD) No.23600 of 2022

To
WEB COPY

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WP(MD) No.23600 of 2022

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.23600 of 2022

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