



W.P.(MD)No.13061 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.13061 of 2017

and

W.M.P.(MD)Nos.10113 & 10114 of 2017

A.L.Manimegalai

... Petitioner

/Vs./

1.The Director of Medical and Rural Health Services,
Teynampet,
Chennai – 600 006.

2.The Principal Accountant General (A&E) Tamil nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 18.

3.The Treasury Officer,
District Treasury Office,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in



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P20/3/12020890/PPO dated 08.02.2017 and the orders passed by the 3rd respondent in O.Mu.No. 1431/G1/2017 dated 17.03.2017 and O.Mu.No. 3272/G1/2017 27.04.2017, quash the same and consequently direct the respondents to pay to the petitioner Earned Leave for 240 days as per EL account in the service register and to pay pension as sanctioned in the order dated 22.09.2016 issued by the 1st respondent and the amount deducted from provisional pension.

For Petitioner : Ms.D.Geetha

For Respondents : Ms.D.Farjana Ghoushia (R1 & R3)

Special Government Pleader

No appearance (R2)

ORDER

This writ petition has been filed challenging the impugned order dated 27.04.2017 passed by the third respondent. The impugned order is the revised pension working sheet pertaining to the petitioner.

2. The petitioner was earlier de-promoted. The de-promotion order was challenged before this Court in WP(MD)No.10515 of 2014.



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By an order dated 14.11.2019, passed in WP(MD)No.10515 of 2014, the de-promotion order of the petitioner was quashed by this Court.

3. The learned counsel appearing for the petitioner would submit that since the de-promotion order has been quashed, the impugned revised pension working sheet pertaining to the petitioner and Earned Leave benefits have to be reconsidered, in the light of the order dated 14.11.2019 passed in WP(MD)No.10515 of 2014.

4. According to the petitioner, the impugned revised pension working sheet has been erroneously issued to the petitioner, without considering the fact that the petitioner is entitled for higher pension amount, on account of quashing of the de-promotion order by another learned Single Judge of this Court in his decision dated 14.11.2019 passed in WP(MD)No.10515 of 2014 filed by the very same petitioner.

5. Till date, counter has not been filed by the respondents, despite several chances having been given to them. This writ petition is of the year 2017. No prejudice will be caused to the respondents, if the



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impugned revised pension working sheet dated 27.04.2017 is reconsidered, in the light of the order dated 14.11.2019 passed by this Court in the writ petition filed by the very same petitioner in WP(MD)No.10515 of 2014 and if the petitioner is found eligible for the consequential prayers sought for in this writ petition, the respondents can be directed to rework the pension amount payable to the petitioner by paying higher pension amount to the petitioner and also to grant eligible Earned Leave benefits to the petitioner.

6. Accordingly, this writ petition is disposed of by directing the third respondent to reconsider the impugned revised pension working sheet dated 27.04.2017 as well as to reconsider the payment of Earned Leave benefits to the petitioner, in the light of the order dated 14.11.2019 passed by the learned single Judge of this Court in WP(MD)No.10515 of 2014, by passing final orders within a period of twelve weeks from the date of receipt of a copy of this order. Incase the petitioner is found eligible for the payment of enhanced pension and is also eligible for Earned Leave benefits, the third respondent shall pay the arrears of pension amount payable to the petitioner as well as pay the Earned Leave



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benefits to the petitioner within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

14.10.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
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