



WEB COPY

WP No. 1207 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**W.P. No. 1207 of 2024
and W.M.P.No.1253 of 2024**

1. D.Panneerselvam
S/o.Dharmanjalu, Flat No.314A, Devi
Narayanan Apartments, No.27,
Rameswaram Road, T.Nagar,
Chennai- 600 017.

Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Rep By Its Finance Secretary, Finance
(pay Cell)department, Fort St. Gorge,
Chennai- 600 009.

2.The Personal Assistant To Collector
(Development) P.D.Section,
Kanchipuram District, Pin No.631501.

3.The Pension Pays Officer
Office of the Pension, No.571,
Anna Salai, Nandanam,
Chennai- 600 035.

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Declaration declaring the action of the respondents reducing the pension from Rs.39,950 /- to Rs.26,598/- and the consequent order of the recovery of the 3rd respondent by Na.Ka. No.0315335/ 2023/Q3 dated 08.02.2023 is illegal and to direct the respondents to refund the amount recovered from February, 2023 and continue to disburse the same pension without any reduction or recovery.



For Petitioner(s): Mr. S.Ramachandran

For Respondent(s): Mr. S. Balamurugan
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Declaration declaring the action of the respondents reducing the pension from Rs.39,950 /- to Rs.26,598/- and the consequent order of the recovery of the 3rd respondent by Na.Ka. No.0315335/ 2023/Q3 dated 08.02.2023 is illegal and to direct the respondents to refund the amount recovered from February, 2023 and continue to disburse the same pension without any reduction or recovery.

2. The learned counsel for the petitioner submits that the petitioner was working as Assistant Engineer in Sriperumbudur Panchayat Union, Kanchipuram District and retired from service on 30.06.2014 and has been receiving pension for a sum of Rs.39,950/- per month. Suddenly, the respondents, without giving any prior notice, reduced the pension from a sum of Rs.39,950/- to a sum of Rs.25,598/- per month from 01.02.2023. Without any order and without providing an opportunity to the petitioner, the impugned order was passed, which is in violation of the principles of natural justice.



3. He further submits that the respondents have filed a detailed counter affidavit referring to several Government Orders. However, without passing any order and without affording an opportunity to the petitioner, the respondents proceeded to pass the impugned order. The impugned order, having been passed without providing an opportunity to the petitioner, is unsustainable and is clear violation of principles of natural justice. Accordingly, he prays that the Writ Petition be allowed.

4. The learned Government Advocate appearing for the respondents submits that at the time of retirement, the petitioner was admittedly drawing a sum of Rs.19,680/- + Grade Pay of Rs.5,400/- in the pay band of Rs.15,600 – 39,100 + G.P. Rs.5,400. The said scale of pay Rs.15,600 – 39,100 + G.P. Rs.5,400 was erroneously recommended by One Man Commission in the year 2010 and subsequently, pursuant to G.O.(Ms) No.242, Finance (Pay Cell) Department, dated 22.07.2023 based on the recommendations of the Pay Grievance Redressal Cell, 2012, the pay of Assistant Engineer was reduced from a sum of Rs. 15,600 – 39,100 + G.P. 5,400 to Rs.9,300 – 34,800 + G.P. Rs.5,100. Aggrieved by the said reduction, several Writ Petitions were filed before this Court. However, the petitioner did not exercise any option to continue in the enhanced scale of pay and continued to receive revised pay. In the absence of any option exercised by the petitioner, the amount was deducted



from his pension towards excess payment to the extent of Rs.8,000/-, which does not warrant interference. Accordingly, he prays that the Writ Petition be dismissed.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

6. The facts in the Writ Petition are not in dispute. Admittedly, the petitioner had retired as Assistant Engineer, Sriperumbudur Panchayat Union, Kanchipuram District and received a pension a sum of Rs.39,950/-. However, all of a sudden, the pension amount was reduced to Rs.26,598/- without issuing any show cause notice and conduct an enquiry. Such action is in clear violation of the principles of natural justice. With regard to reduction of the pay, similar issues are pending before this Court. Further, the counter-affidavit filed by the respondents does not disclose the details of the Writ Petition number and any other related litigation. Considering the fact that pendency of the similar issues before this Court and the fact that no opportunity was provided to the petitioner, the impugned order reducing the pension from a sum of Rs.39,950/- to a sum of Rs.25,598/- is not unsustainable. Hence, the same is set aside.



7. Accordingly, the Writ Petition is allowed. However, liberty is granted to the respondents to issue a show cause notice to the petitioner and after providing an opportunity, to pass appropriate orders on merits and in accordance with law. There shall be no order as to costs.

01-12-2025

Asi

Index :Yes/No
Speaking/Non-speaking order
Internet :Yes
Neutral Citation :Yes/No

To

1.The Secretary to Government,
Finance, Finance (Pay Cell) Department,
Fort St. George, Chennai- 600 009.

2.The Personal Assistant to Collector
(Development) P.D.Section,
Kanchipuram District, Pin No.631501.

3.The Pension Pays Officer
Office of the Pension,
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M. DHANDAPANI, J.

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