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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

WP NO. 12668 of 2024

P.Padmavathi
W/o.Late.S.Ponnusamy, No.5/26,
Vaishali Flats, Temple Avenue,
Srinagar, Colony, Saidapet, Chennai-
600 015. Petitioner/Appellant

Vs

1.The Registrar
Central Adminsitrative Tribunal, Chennai
Bench, Chennai-600 104.

2. Union Of Idnia Rep. By The Revenue
Secretary,
Department Of Revenue, Goi, North
Block, New Delhi-110 001.

3. The Chairman Cbic (erstwhile Cbec)
North Block New Delhi-110 001

4. The Chief Vigilance Officer
Cbic (erstwhile Cbec) Ii Floor, Htel
Samrat, Kautilya Marg, Chankayapuri,
New Delhi-110 021.

5. The Chief Commissioner Of Gst
Newry Towers, No.2054-i, Ii Avenue,
Anna Nagar, Chennai-600 040.

6. The Commissioenr Of Gst And Central
Excise,
Chennai Outer Commissionerate
(erstwhile Service Tax-iii
Commissioenrate) Newry Towers,

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No.2054-i, Ii Avenue Anna Nagar,
Chennai-600 040.

7. The Pay And Accounts Officer,
26/8, Mg Road, Nungambakkam,
Chennai-600 034

..Respondent/Respondents

**PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records of the first respondent relating to the impugned order dated 10.01.2024 passed by the Hon'ble CAT, Chennai Bench in O.A.No.483 of 2017 and quash the same and direct the respondents 2 to 7 to grant the retiral benefits including the eligible commuted pension and interest for the delayed payment of the retiral benefits and all other consequential benefits.**

For Petitioner(s): Mr.S.Sankaranarayanan

For Respondent(s): Mr.B.Sudhir Kumar for R2.
R1-Tribunal.

## ORDER

**(Order of the Court was made by J.NISHA BANU, J.)**

This Writ Petition has been filed praying to issue a writ of Certiorarified Mandamus calling for the records of the first respondent relating to the impugned order dated 10.01.2024 passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.483 of 2017 and quash the same and direct the respondents 2 to 7 to grant the retiral benefits including the eligible

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commuted pension and interest for the delayed payment of the retiral benefits and all other consequential benefits.

2.1. The Writ Petitioner is the wife of retired employee who worked in the Department of Central Excise and Customs-6th respondent. It is averred in the petition that the petitioner's husband joined as Inspector of Central Excise and Customs on 08.04.1982 and superannuated as Assistant Commissioner of Service Tax on 30.04.2016.

2.2. The petitioner's husband claimed that he belonged to Kurumans Community, a Scheduled Tribe Community and joined in the 6th respondent department. It is stated that a complaint dated 01.08.1988 was received from Indira Congress SC & ST Youth Welfare Forum, Karukudi Village, Musiri Taluk, Trichy District addressed to Governor of Tamil Nadu, with a copy endorsed to the Collector of Customs, Trichy stating that petitioner's husband viz., Ponnusamy had secured appointment by giving false Community Certificate thereby depriving the benefits due to the persons who actually belong to the ST community. Upon this, the community certificate of the said Ponnusamy was sent for verification to the District Collector, Nilgiris on 20.02.1989. Thereafter, the community certificate of Ponnusamy was cancelled by the then District Collector, Nilgiris, vide Order dated 04.02.1994 in file No.R.C.No.8055/89(Hg) stating that Shri.S.Ponnusamy did not belong to "Kurumans" community.


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3. Aggrieved by the said cancellation of community certificate, S.Ponnusamy-petitioner's husband filed W.P.No.2359 of 1994 before this court. This court, by order dated 17.06.2002, quashed the impugned cancellation of community certificate dated 04.02.1994 passed by the District Collector, Nilgiris. The court granted liberty to the respondents to proceed afresh by complying with all the requirements as pointed out by the Supreme Court in the case of Kumari Madhuri Patil and another Vs. Additional Commissioner, Tribal Development reported in (AIR 1995 AC 94).

4. The 6$^{th}$ respondent-Commissioner of Central Excise viz., the employer sent letter to the District Collector, Nilgiris, requesting to inform about the action taken in the matter of verification of genuineness of ST certificate of S.Ponnusamy. Subsequently, it was informed that vide order dated 11.07.2003 in W.P.No.19156 of 2003, the community certificate is to be verified by a committee consisting of three officers.

5. The employee S.Ponnusamy filed O.A.No.310/1826/ of 2016 before Central Administrative Tribunal, Chennai, seeking direction to the respondents to disburse full pension, gratuity, commutation and earned leave encashment and other retirement benefits with interest. The said OA was disposed of by the Tribunal with a direction to the department to dispose of the representation of the applicant within four weeks.

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6. The respondents-Central Excise department replied that they have sent several reminders to the Secretary to Government, Adi Dravidar and Tribal welfare (CV3) Department, Secretariat, Chennai-9, to expedite the verification of caste status of the applicant-Ponnusamy.

7. The Commissioner, Chennai Outer Commissioner has accorded approval for settling pension benefits of Ponnusamy and sent to PAO, Chennai, for speedy action. Pending action by PAO, applicant/Ponnusamy died and his legal heirs were brought on record in M.A.No.549 of 2018 in the pending O.A.No.483 of 2017.

8. Before the Central Administrative Tribunal, in O.A.No.483 of 2017, the applicant-wife of the employee filed written submission stating that all retiral benefits, except the commuted pension and the interest for the delayed payment of the retirement benefits were granted to the applicants. Further it is stated that the commuted pension amount and the interest for the delayed payment of the retirement benefits are not granted to the applicant.

9. Before the Tribunal, the applicant further submitted that they are entitled to the commuted pension and relied on Rule 2, 4 and 5 of Commutation of Pension Rules, 1981. The Tribunal, after going through entire papers found that the applicant received provisional pension on sanction and she has been

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paid with arrears of pension as well as other benefits and was also sanctioned full family pension. The Tribunal further found that since the applicant has not been granted the said commuted amount of pension, they cannot claim the benefit under the OM dated 25.10.2022 which is applicable where the person who has been already sanctioned with commuted pension on his death, monthly commuted amount of pension is not required to be deducted from the family pension and same has to be paid in full without any deduction. It is further observed that neither commuted pension nor the commuted provisional pension has been sanctioned in the matter of the applicant and further on approval of terminal benefits, arrears of full pension/family pension with all other benefits have been paid.

10. Feeling aggrieved by the order of the CAT dated 10.01.2024, this writ petition has been filed by the applicant/wife of employee seeking grant of retiral benefits including the eligible commuted pension and interest for the delayed payment of the retiral benefits.

11. The learned counsel for the petitioner would submit that the Tribunal has erroneously overlooked the pension rules and submitted that the petitioner is entitled to retiral benefits including commuted pension and also the interest for the delayed payment of the retiral benefits. Learned counsel for the petitioner relied on the following judgments:-

(i) D,D,Tewari(D). Thr, LRS Vs, Uttar Haryana Bijli Vitran Nigam Ltd and


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others [Civil Appeal No.7113 of 2014 dated 01/08/2014]

(ii) W.P.No.19234 of 2014 dated 07.07.2015 [The Union of India, Ministry of Railways and two others vs. The Central Administrative Tribunal, Registrar, High Court, Chennai. And two others]

(iii) Civil Writ Jurisdiction case No.1628 of 2019 dated 10.12.2020 [Ram Bilash Singh Vs. 1.The State of Bihar through the Principal Secretary, Education Department (Higher Education), Government of Bihar, Patna.

12. The 6th respondent-The Commissioner of GST & Central Excise, Chennai Outer Commissionerate, filed counter affidavit. It is stated that on receipt of the vigilance clearance certificate from the Board dated 15.07.2019, the Gratuity amount of Rs.14,00,850/- was sanctioned by order dated 14.11.2019 and EL encashment of Rs.8,49,000/- vide order dated 20.03.2020 was paid to the petitioner. Arrears of pension amounting to Rs.2,18,881/- for the period 01.05.2016 to 22.07.2018 was drawn and paid vide order dated 04.02.2020 and arrears of family pension amounting to Rs.8,28,054/- for the period from 23.07.2018 to 31.12.2019 was drawn vide order dated 04.02.2020 and paid to the petitioner.

13. The 6th respondent further stated that as far as commutation of pension is concerned, commuted portion of pension is required to be reduced from pension from the date of payment of commuted value of the pension or after three months from the date of issue of PPO or from the date, capitalized sum is

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credited to the pensioner's account.

14. Respondents 1 to 5 filed counter affidavit. It is stated that the applicant husband retired on 30.04.2016. Only provisional pension vide PAO, Chennai, dated 10.06.2016 was drawn with effect from 01.05.2016 pending receipt of vigilance clearance certificate from the Board. Meanwhile, Shri Ponnusamy expired on 22.07.2018 and Vigilance clearance certificate was received during 2019, after the death of Ponnusamy. The question of commutation of pension is decided only on the date on which the pension has become absolute. In the above case, the pension was determined only during 2019 and by the time, the officer had expired. Hence, commutation of pension cannot be granted.

15. This court heard the submissions of the learned counsel appearing for the 2$^{nd}$ respondent who reiterated the submissions stated in the counter affidavit filed by respondents 1 to 6.

16. We heard the learned counsel appearing for both sides and perused the records carefully.

17. The Tribunal, has categorically stated that the applicant being the wife of the retired employee has been paid all retirement benefits without any deduction. Further, the counter affidavit of the respondents 1 to 6 clearly state

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that the petitioner is not entitled to commutation of pension as the commutation of pension is decided only on the date on which the pension has become absolute and the pension was determined only during 2019 and by the time, the employee had expired.

18. In view of the foregoing reasons, we are not inclined to interfere with the order of the Central Administrative Tribunal, dated 10.01.2024 passed in O.A.No.483 of 2017. Accordingly, this Writ Petition is dismissed. No costs.

**(J.NISHA BANU J.) (S.SOUNTHAR J.)**
**23.09.2025**

ASI/nvsri

To
To
1. The Registrar
Central Adminsitrative Tribunal, Chennai Bench, Chennai-
600 104.

2. Union Of Idnia Rep. By The Revenue Secretary,
Department Of Revenue, Goi, North Block, New Delhi-110 001.

3. The Chairman Cbic (erstwhile Cbec)
North Block New Delhi-110 001

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