IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

W.P No.24257 of 2019

M.Gandhi
Assistant Director of Agriculture (Retd.)
X 31, Kovaipudur,
Coimbatore-641 042. ... Petitioner

/vs/

1. The Agricultural Production Commissioner and the Secretary to the Government/ Agriculture Department, Secretariat, Fort St. George, Chennai 600 009.

2. The Commissioner of Agriculture, Chepauk, Chennai-600 005.

3. The Accountant General (A&E) Tamilnadu, 361. Anna Salai, Teynampet, Chennai-600 018. ... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records relating to the Proceedings of the Accountant General (Accounts and Entitlement) Tamil Nadu Chennai the third respondent made in Pension 7/11/AG/2047 dated 13.03.2019, quash the same and direct the Respondents herein to implement the order of the Director of Agriculture, Chennai made in Letter No.As.o.A1/3843/2016 dated 15.10.2018 consequently, direct the Respondents herein to disburse the difference in arrears of pension effect 01.01.2007 namely the date of implementation of revised pay scales rules 2006 and disburse the arrears within a time frame as fixed by this Court.

| | | |
|---|---|---|
| For Petitioner | : | Mr.K.Rajkumar for M/S.G.Sridevi |
| For Respondents | : | Mr.T.Chezhian, AGP for RR1 & 2. |
| | : | Mr.P.Manorajan, Standing Counsel for R3 |

**ORDER**

The petitioner has filed a writ petition seeking a writ of certiorarified mandamus to quash the proceedings of the Accountant General, Tamil Nadu, dated 13.03.2019 and to direct the respondents to implement the order of the Director of Agriculture, Chennai, dated 15.10.2018. The petitioner seeks the disbursement of the arrears of pension difference from 01.01.2007, the date of implementation of the Revised Pay Scales Rules, 2006, within a time frame fixed by the Court.

**2.** Heard Mr.K.Rajkumar, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader for RR1 & 2 and Mr.P.Manorajan, learned Standing Counsel for R3 and perused the materials available on record.

**3.**The petitioner is a retired Assistant Director of Agriculture. He was allowed to retire from service after the Government dropped the disciplinary proceedings initiated against him on 29.07.2005. This was stated in G.O.(3D) No.54, Agriculture (Ve.Nee.2) Department, dated 05.03.2013. The petitioner served for 34 years. He is entitled to get his pay revised under G.O.(Ms) No.234, Finance (Pay Cell) Department, dated 01.06.2009 in pursuant to the 6th Pay Commission recommendations. It takes notional effect from 01.01.2006 and provides monetary benefits from 01.01.2007. Accordingly, his revised pension would be Rs.11,100/-and the proceedings in this regard has been issued by the Joint Director of Agriculture, Cuddalore on 28.06.2015.

**4.** The petitioner has submitted a representation stating that he is entitled to get a pension of Rs.25,086/-. On 13.03.2019, the 3rd respondent rejected the same by saying that the petitioner is entitled to get a pension at Rs.16,076/- only. As per the claim of the petitioner, his pension has been revised in a lower grade in accordance with G.O.(Ms).No.235 Finance Department dated 01.06.2009. The G.O. itself would make it clear that in the case of retired employees, the revision will take effect by giving notional effect from 01.01.2006 and monetary benefit from 01.01.2007.

**5.** The petitioner claims that at the time of his retirement, his revised pay as per G.O.(Ms)No.234 Finance (Pay Cell) Department dated 01.06.2009 would be Rs.15,600-39100+ 6600, corresponding to his last drawn scale of Rs.10,000-325-15200/-. The revised pay will take into effect even notionally only from 01.01.2006. When the petitioner had retired on 31.07.2005 itself, it is difficult to understand how the petitioner compares his scale of pay at the time of retirement to that of the revised pay with effect from 01.01.2006.

**6.**No doubt G.O.Ms. No. 235 Finance Department dated 01.06.2009 has given the benefit of a revised pension, but by applying the following calculation found in para. No.2 (ii) of the above order:

> (ii) The Pension / Family Pension of the existing pre-2006 Pensioners/Family Pensioners shall be computed by adding the following:--
>
> (a) The existing Pension (before commutation) / Family Pension;
>
> (b) Dearness Pension, wherever applicable;
>
> (c) Dearness Allowance as on 1st January 2006 i.e. @ 24% on Basic Pension Basic Family Pension plus dearness pension as

admissible.

(d) Fitment weightage @ 40% of the existing Basic Pension (before commutation)/ Basic Family Pension."

7.But the petitioner has taken Clause 2 (vi) of the above government to his convenience by bypassing 2(ii) and worked out his own calculation by fixing his pension at Rs. 25,086/ and as below:

| | | |
|---|---|---|
| Revised basic Pay of the Post of ADA is | : | Rs,15,600/- |
| Grade Pay | : | Rs. 6,600/- |
| | | ------------- |
| | | Rs.22,200/- |
| | | ------------- |
| 50% Basic Pay is | : | Rs.11,100/- |
| 50 % Dearness pay on Pension is 11,100 x 50/100 | : | Rs.5,550/- |
| 24% Dearness allowance in Pension is 11,100 x 24/100 | : | Rs.3996/- |
| 40%weightage allowed by the Revised scale of pay on Pension of Rs.11,100/- | : | Rs.4,400/- |
| | | ------------ |
| | | Rs.25,086/- |
| | | ------------ |

**8.** The petitioner's original pension at the time when he retired from service was Rs. 7,113/-, which is not denied. The dearness allowance applicable at 50% as per the calculation done according to 2(ii) would be Rs.3,557/-, and the dearness allowance exceeding 50% is Rs.2,761/-. The pension increase at 40% is at Rs.2,845/-, adding altogether consolidates to Rs.16,076/-. The petitioner's basic pay at the time of his retirement, as admitted by him and the respondents 1 and 2, was Rs.10,000-325-15,200/-, and his last drawn scale of pay according to that pay scale was fixed at Rs.14,225/-.

**9.** As per Clause 2(vi) of the G.O.Ms.No.235 Finance Department dated 01.06.2009, it would ensure that the revised pension shall in no case be lower than 50% of the minimum pay in the pay band + grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. If that formula is adopted, then the minimum pension that can be availed by the petitioner should not be below Rs. 14,225/2, i.e., = 7,113/-. The revised pension as calculated under 2(ii) is Rs.16,076/-, is above 50% of the petitioner's scale of pay which he drew at at the time of his retirement. Hence the above calculation is in compliance of both 2(ii) & 2(vi) of the G.O.Ms.No.235 Finance Department dated 01.06.2009.

**10.** The petitioner, aspired to avail the benefit of revised the pay of 6th pay commission recommendations with effect from 01.01.2006, by forgetting the fact that he had retired from service on 31.07.2005 itself. Only if the revised pay scale was applicable to the petitioner as of the date of his retirement, he can get the benefit of getting Rs.25,086/- as pension. As the petitioner had invoked the wrong scale of pay applicable to his case and had made an exorbitant and imaginary claim of the pension, it is right for the 3rd respondent to reject the claim of the petitioner by passing the impugned order. Hence, it does not warrant any interference to quash the same.

In the result, the writ petition is **dismissed**. No costs. consequently, the connected miscellaneous petition is also closed.

**10.03.2025**

Index : Yes
Internet : Yes/No
jrs

**R.N.MANJULA, J.**
jrs

To
1. The Agricultural Production
Commissioner and the Secretary to the Government/
Agriculture Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Commissioner of Agriculture,
Chepauk, Chennai-600 005.

3. The Accountant General (A&E)
Tamilnadu, 361. Anna Salai,
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