



WP(MD). No.11504 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**WP(MD). No.11504 of 2025
and WMP(MD) No.8554 of 2025**

P.Dakshinamoorthy

... Petitioner

Vs

1. The Branch Officer,
Office of the Accountant General (A and E),
No361, Anna Salai
Chennai 600 018..

2. The Sub Judge,,
Sub Ordinate Court, Sivakasi ,
Virudhunagar District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED MANDAMUS calling for the records pertaining to the impugned order passed by the 1st respondent in No.Po2/1/10226516/ADK, dated 05.08.2021 and No.PO2/5/10230927/ABK/917, dated 08.11.2024 and quash the same insofar as 5 percent P.P. is concerned and consequently direct the 1st respondent to provide the retirement benefits and monthly pension to the petitioner without deducting the 5 percent p.p..

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For Petitioner : Mr.RV.Rajkumar
For Respondents : Mr.S.Mahaboob Athiff for R2
Mrs.S.Mahalakshmi for R1

ORDER

(Order of the Court was made by S.SRIMATHY, J.)

The writ petition has been filed challenging the order of the first respondent dated 05.08.2021 and 08.11.2024 and also to direct the 1st respondent to provide the retirement benefits and monthly pension to the petitioner without deducting the 5 percent p.p..

2. The case of the petitioner is that he joined duty as Watchman in the year 1988 and subsequently, he was promoted as Senior Bailiff/Bailiff on 28.12.2005 and retired from service on 31.07.2019. The grievance of the petitioner is that Senior Bailiffs were neglected by the Government as regards IV-Pay Commission. It is stated that by G.O.Ms.No.664, Finance (P.C.) Department, dated 24.08.1993, the Government had granted 5% of the Basic Pay as personal pay to all categories of staff, who come under Category (ii) of para 4 of the above said Government Order with effect from 01.08.1992. The petitioner, who is entitled to the same benefit, was denied the fruits of the said

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Government Order, by orders dated 09.08.2024 and 08.11.2024.

Challenging the said order, the present Writ Petition is filed.

3. On notice, the learned respective counsel appearing for the respondents fairly submitted that the issue involved in this Writ Petition was already decided by the First Bench of this Court in W.P.(MD).No. 14350 of 2012, dated 16.07.2013, W.P.(MD).No.7387 of 2011, dated 16.07.2013 and W.P.(MD).No.5480 of 2013, dated 18.07.2013.

4. Considering the above orders passed by the First Bench of this Court, on a similar set of circumstances, the impugned orders of the first respondent, dated 09.08.2024 and 08.11.2024, are set aside and the Writ Petition is allowed as prayed for. No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

28.04.2025

NCC : Yes/No

Index : Yes/No

RR



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J.NISHA BANU, J
AND
S.SRIMATHY, J.

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ORDER
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