



W.P.(MD)No.26347 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

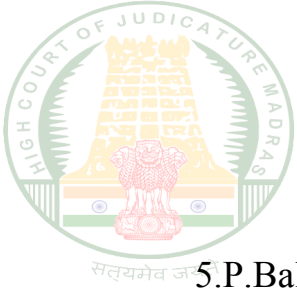
DATED: 04.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

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- 1.L.Thangavelu,
S/o.Lakshmanan,
No.4A/5, Meenatchi Nagar,
Srirangam, Trichy – 620 006.
- 2.N.Jaganathan,
S/o.Nallusamy,
Door No.5/17, Ammaiyappanagar,
3rd Cross, Vayalur Road,
Puthur,
Trichy – 620 017.
- 3.M.Palaniappan,
S/o.Manickam,
735, Shanmuganagar,
7th Cross, Uyyakonndanthirumalai,
Somarasampettai, Trichy – 620 120.
- 4.S.Nagarajan,
S/o.Suryanarayanan,
C 22/19, 1st Cross, 3rd Main Road,
Ramalinga Nagar,
Woraiyur, Trichy – 620 003.



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5.P.Balasubramanian,
S/o.Pitchaimuthusamy,
No.11, Venkadeshwara Nagar,
Lalgudi, Trichy – 621 601.

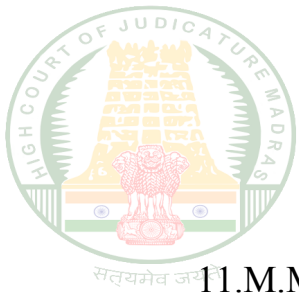
6.S.Selvaraj,
S/o.Savarimuthu,
No.17, 9th Cross, 7th Main Road,
Vayalur Road, Srinivasa Nagar Vadaku,
Tennur, Trichy – 620 017.

7.K.Thiagarajan,
S/o.Koothaperumal,
Plot No.9C 5/568, Sairam Garden,
Athavathur, Srirangam Taluk,
Adavathur (East), Adavathur, Trichy – 620 102.

8.R.Govindaraj,
S/o.Ramassamy,
Old No.1/469, New 1/819, 7th Cross Vasam Nagar,
Rettaivaikkalvayalur Road, Srirangam Taluk,
Nachikurichy, Trichy – 620 102.

9.C.Sethuraman,
S/o.Chitrambalam,
1/799, 6th Cross Vasam Nagar,
Rettaivaikkal, Malliyampathur Post,
Nachikurichy, Trichy – 620 102.

10.K.Sambandam,
S/o.Kuppusamy,
1/36, Nadu Street,
Somarasampet Post,
Nachikurichy, Trichy – 620 102.



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1.M.Muthu,
S/o.Mutharasappan,
Plot No.3, Gods Park, 1st Cross, 5th Main Road,
Srinivasanagar, Puthur, Tennur, Trichy – 620 017.

Petitioners

Vs

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.
- 2.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
St.George Fort,
Chennai – 600 009.
- 3.The Additional Chief Secretary to Government,
Finance Department,
St.George Fort,
Chennai – 600 009.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to pay the increased Dearness Allowance from 17% to 31% with effect from 01.01.2022 instead of 01.10.2022 as per G.O.Ms.No.06 Finance (Pension) Department dated 01.01.2022 and consequently direct the Respondents to pay increase of 3% Dearness Allowance with effect from 01.07.2022 vide G.O.Ms.257 Finance (Pension) Department dated 18.08.2022 as ordered to



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other Government Pensioners by considering Petitioners' representation dated 17.11.2022 within the time frame as fixed by this Court.

For Petitioners : Mr.G.Vidhya Maheswaran
For Mr.R.Vimalraj

For Respondents : Mr.B.Vijay Karthikeyan
R-1
Mr.J.Ashok
Additional Government Pleader
R-2 & R-3

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to pay the increased Dearness Allowance from 17% to 31% with effect from 01.01.2022 instead of 01.10.2022 as per G.O.Ms.No.06 Finance (Pension) Department dated 01.01.2022 and consequently direct the Respondents to pay increase of 3% Dearness Allowance with effect from 01.07.2022 vide G.O.Ms.257 Finance (Pension) Department dated 18.08.2022 as ordered to other



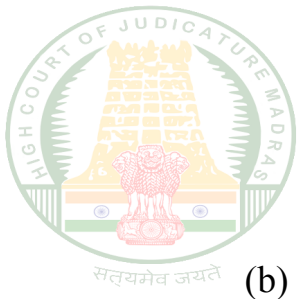
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Government Pensioners by considering Petitioners' representation
dated 17.11.2022.

2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

(a) The Petitioners, retired pensioners of the Tamil Nadu Water Supply and Drainage Board, received their full service and pension benefits along with Dearness Allowance, as ordered by the Tamil Nadu Government for all pensioners until 31.12.2021. The Government issued G.O.Ms.No.6 Finance (Pension) Department on 01.01.2022, increasing the Dearness Allowance for government pensioners from 17% to 31%, with effect from 01.01.2022. However, the Petitioners have not received this increased Dearness Allowance. Subsequently, the Government issued another G.O.Ms.No.257 Finance (Pension) Department on 18.08.2022, increasing the Dearness Allowance by 3% from 01.07.2022 for government pensioners. Despite this, the Board has not taken any decision to pay this 3% increase to its pensioners.

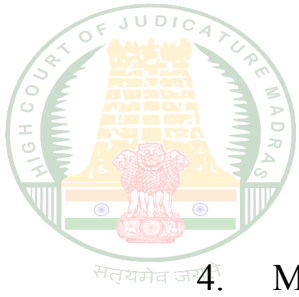


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(b) In a communication dated 29.09.2022, the 1st Respondent ordered the increase of Dearness Allowance from 17% to 31% for Board pensioners, with effect from 01.10.2022. This contradicts the original order, G.O.Ms.No.6 Finance (Pension) Department, dated 01.01.2022, which stated the increase would take effect from 01.01.2022. The Petitioners, aggrieved by the non-payment of the increased Dearness Allowance, submitted detailed representations to the 1st Respondent requesting the payment of the increased Dearness Allowance from 17% to 31% with effect from 01.01.2022, and the additional 3% Dearness Allowance with effect from 01.07.2022. Since no action was taken by the Respondents, the Petitioners filed the present writ petition, seeking relief.

3. Heard Mr.G.Vidhya Maheswaran, learned counsel for Mr.R.Vimalraj, learned counsel appearing for the Petitioner, Mr.B.Vijay Karthikeyan, learned counsel for the 1st Respondent and Mr.J.Ashok, learned Additional Government Pleader for the Respondents 2 & 3.

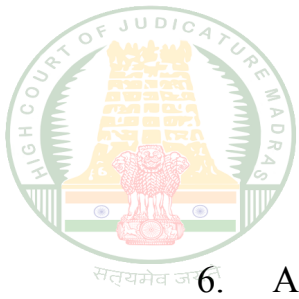


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4. Mr.B.Vijay Karthikeyan, learned counsel for the 1st Respondent and Mr.J.Ashok, learned Additional Government Pleader for the Respondents 2 & 3, submit that the the Petitioners are not entitled to the relief sought in the present Writ Petition. Further, the learned counsel submits that the Petitioners may be permitted to file fresh representation before the 1st Respondent, outlining their grievances by annexing the copy of the earlier representation dated 17.11.2022. The 1st Respondent would then consider and decide the matter in accordance with the law within the time frame fixed by this Court.

5. Mr.G.Vidhya Maheswaran, learned counsel for Mr.R.Vimalraj, learned counsel appearing for the Petitioner, agreed to the submissions made by the learned counsel for the Respondents and submits that the Petitioners are willing to file fresh representation before the 1st Respondent. It is prayed that this Court may direct the 1st Respondent to decide the representation by passing a reasoned and speaking order, in accordance with law, within a stipulated timeframe.

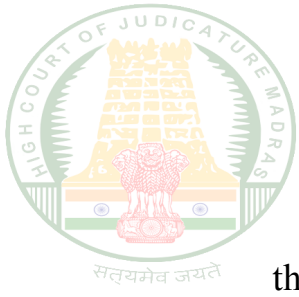


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6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 1st Respondent may be directed to decide the representation of the Petitioners in accordance with law.

7. Accordingly, the Petitioners are directed to file fresh representation before the 1st Respondent, detailing their claim and grievances, annexing therewith a certified copy of this order and a copy of the representation dated 17.11.2022, within a period of four weeks from today. If any such representations are filed by the Petitioners before the 1st Respondent as per the time stipulated by this Court, the 1st Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioners, within a period of two months from the date of receipt of such representations. The 1st Respondent shall communicate the order/decision to the Petitioners



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through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.

8. With the above directions, this Writ Petition is finally **disposed of**.

There shall be no order as to costs.

04.04.2025

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

Nsr

To:

1. The Officer-in-Charge,
Bureau of Naviks,
Cheetah Camp, Mankhund,
Mumbai – 88.

2. The Director General,
(for PD(HRD) (JDCED)),
Coast Guard Headquarters,
New Delhi – 110 001.



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SHAMIM AHMED, J.

Nsr

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