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Dr.ANITA SUMANTH, J.

Read this order in continuation of and in conjunction with order dated 24.06.2024 reading thus:-

*"Mr.Kumaresan, learned Additional Advocate General, appears for the respondent.*

*2. The order as against which contempt is alleged is dated 24.02.2022 and that order was passed when the petitioner was 95 years old. Today, the petitioner is stated to be 97 years old. The operative portion of order dated 18.04.2022 is as follows:-*

*"4. As held in the case of A. Parvathi V. The Collector of Thiruvallur and others (W.P.No.39772 of 2015 order dated 17.12.2015), the interim delay between the date of application and date of passing of pension order is certainly not attributable to the petitioner and thus she cannot be made to suffer for the same. I am thus of the categorical view that the petitioner must be given arrears of freedom fighters pension from the period 13.12.2008 till 30.04.2021 when he became entitled to regular pension.*

*5. Reliance placed by the State upon a decision in the case of S.Gaffor V. The Government of Tamil Nadu and others (W.P.No.17549 of 2021 order dated 31.08.2021) is misplaced. In that case, there is a clear finding of fact in paragraph 11 that there was no application at all, filed by that petitioner and thus the question of quantification of arrears did not arise. The petitioner therein had been granted pension, as a special case, even without a formal application.*

*6. The present case is different insofar as there is an application dated 13.12.2008 referred to by the authority in letter dated 02.01.2009. Let the amount be quantified and paid over to the petitioner within a period of six (6) weeks from the date of uploading of order in the official website of this Court,*



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*failing which the interest clock will start ticking at the rate of 6% for every completed month of delay."*

3. *As against this order, the State had filed an appeal in W.A.No.1334 of 2023 which came to be dismissed on 28.06.2023.*

4. *There has been no stay granted by the First Bench, and, as on date, the State is in rank contempt insofar as the directions ought to have been complied with within the time frame set out in order dated 18.04.2022. That apart, even if one were to grant the State the benefit of the period till date of dismissal of writ appeal, that date is 28.06.2023, which is nearly a year ago.*

5. *Hence, the State is given a last opportunity of one week to compute the amount of arrears and paid over the same to the petitioner and 'report compliance' on 01.07.2024, when this matter will be called at 12 noon. In the alternative, the first respondent will be present in the Court or shall be secured.*

6. *An apprehension is raised by the State to state that the pension is dual in nature and that the petitioner is the beneficiary of both Central and State pension. To be noted, in the event of the petitioner receiving Central Pension, the State pension is pegged at a sum of Rs.500/.*

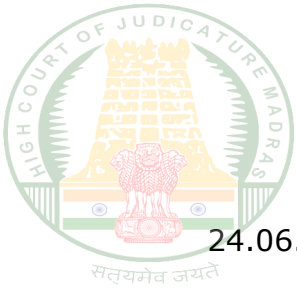
7. *This apprehension is premature as the letter of the Under Secretary to Government of India dated 30.05.2024, is addressed to the Sr. Accounts Officer, Pay and Accounts Office calling for certain documents from the petitioner Shri M.Velu. Hence in these circumstances, the apprehension of the respondents that the petitioner is the beneficiary of dual pension is illusory.*

8. *As directed, the arrears of pension will be quantified and paid over prior to 02.07.2024. Pension will thereafter be paid on a month-on-month basis. The State will ensure that it monitors the matter and will ascertain as to when the payment of Central pension commences. The State pension will then be restricted simultaneous with the first payment of Central pension.*

9. *List on 01.07.2024 at 12 noon 'for compliance'.*

2. When the matter is called at 12.00 noon, Mr.Kumaresan, learned

Additional Advocate General, states that directions under order dated



24.06.2024 have not been complied with.

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3. No reasons are set out save to state that a Review Petition is being filed before the Division Bench seeking intervention in regard to the dismissal of the appeal in W.A.No.1334 of 2023 on 28.06.2023.

4. This submission does not impress for the reason that the Writ Appeal is belated and has been dismissed more than a year ago, as against which, no action has been taken thus far.

5. Secondly, the respondents state that they are given to understand that the petitioner was well aware of the order passed on 30.05.2024 by the Central Government. This too does not change anything and in fact only confirms the position that the petitioner is not the beneficiary of dual pension.

6. Issue non-bailable warrant qua respondent forthwith and produce before Court on 08.07.2024.

7. List on 08.07.2024.

01.07.2024

ssm/sl

Note to Registry : Issue non-bailable warrant today.



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4



Dr.ANITA SUMANTH, J.

ssm/sl

Cont.P.No.1653 of 2024

01.07.2024