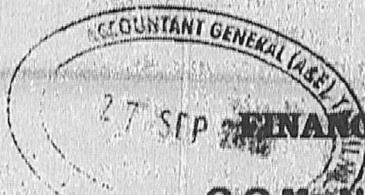




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FINANCE [Pension] DEPARTMENT

G.O.Ms.No.277, Dated 29th August 2019.

(Vihaari, Aavani-12, Thiruvalluvar Aandu 2050)

ABSTRACT

PENSION – Revival of 2/3rd portion of commuted pension with effect from 04-05-1991 in respect of Absorbee Pensioners of the State who were drawn one third of pension/family pension upto 30-09-2017 and who are being drawing full pension (i.e. 100% restored pension) / family pension with effect from 1-10-2017 – Implementation of the orders of Hon'ble High Court of Madras delivered in W.P.No.34537 of 2013, dated 17.09.2018 - Orders – Issued.

Read the following:-

1. G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25-10-2017.
2. Judgement Order of the Hon'ble High Court of Madras, dated 17-09-2018 in W.P.No.34537 of 2013 filed by the Welfare Association of Tamil Nadu Ind Absorbee Pensioners by its General Secretary and 15 others.

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ORDER:

In the Government Order first read above, among others, orders were issued that the absorbee pensioners of the State, who are drawing one third of pension, their pension / family pension shall be refixed to the notional full pension / family pension applicable on 31-12-2015 and paid full pension / family pension with prospective effect from 1-10-2017.

2. The Welfare Association of Tamil Nadu Ind Absorbee Pensioners by its General Secretary and 15 others have filed a W.P.No.34537 of 2013 praying to restore the 2/3rd pension after the expiry of its commutation period of 15 years i.e. their permanent absorption in TANSI with effect from 04-05-1976 and pay the arrears of 2/3rd pension from 04-05-1991 onwards along with interest at the rate of 12% per annum and continue to pay the full pension. The Hon'ble High Court of Madras in its order dated 17.09.2018 has, among others, ordered as following:-

- "8. In view of the aforesaid, this Court is of the view that the petitioners are also entitled to the benefit law laid down in the case of K.Ganesan (supra) by this Court which has been confirmed by the Hon'ble Apex Court in the Civil Appeal No.6048 of 2010, with the direction to revive the remaining 2/3 pension on the expiry of the period of 15 years of receipt of such commuted value. In other words they are entitled to

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100% pension which they have commuted on expiry of 15 years. However, the facts and situations in which it is held that they are entitled to revival of 2/3 pension commuted by them, it would not be proper to direct interest for delayed payment of such pension as there was no rule to revive such pension in favour of the petitioners on expiry of the 15 years from the date of receipt of such commutation value and the case of K.Ganesan (supra) which was rendered in the case of Central Government Employee absorbed in different Government of India Undertaking / PSU / autonomous body etc and the same has been directed to be implemented in recent past vide the aforesaid memorandum of the Government of India.

9. For the foregoing reasons, this writ petition filed by the petitioners stands allowed, consequently the impugned order of rejection of the representations are quashed and the respondents are directed to take all effective steps to revive the remaining 2/3 pension of the members of the petitioners association including the individual petitioners who were absorbed in the TANSI but had commuted their entire pension payable to them by the Government of Tamil Nadu, from the date they were allowed 1/3 revival of commuted pension. The aforesaid exercise has to be completed, within a period of three months from the date of receipt of a copy of this Order. **But it is made clear that they are not entitled to interest on such 2/3 pension revived pension payable to them which is directed to be revived by this order.** With the aforesaid order, the writ petition stands allowed in part. However, in the circumstances there shall be no order as to costs.

3. After careful consideration, the Government has in pursuance of the orders of the Hon'ble High Court of Madras, decided to revive 2/3rd portion of commuted pension in respect of Absorbee Pensioners of the State, who were drawn one third of pension/family pension with effect from 04-05-1991 to 30-09-2017 and to pay arrears of 2/3rd pension. However, they are not entitled to interest on such 2/3 revived pension payable to them as ordered by the Hon'ble High Court of Madras its order dated 17.09.2018 in W.P.No.34537 of 2013.

4. Accordingly, Government direct that the 2/3rd portion of commuted pension in respect of Pensioners of the State who had been absorbed in TANSI and were drawing one third of pension/family pension with effect from 04-05-1991 to 30-09-2017 shall be calculated, and to pay arrears of such 2/3rd pension to these Absorbee Pensioners/Family Pensioners and their legal heirs in the case of Absorbee Pensioners/Family Pensioners who have expired. No interest shall be paid on the arrears of such 2/3rd portion of commuted pension.

5. Absorbee Pensioner / Family Pensioner shall apply to the Pension Pay Officer, Chennai / District Treasury Officer / Sub-Treasury Officer concerned in the prescribed Form as at Annexure appended to this order.

In case of Absorbee Pensioners/Family Pensioners who have expired, the arrears shall be paid to their legal heirs on their claim. For this purpose, the legal heir shall apply along with Death Certificate and relevant documents.

6. On receipt of application, the Pension Pay Officer, Chennai / District Treasury Officer / Sub-Treasury Officer concerned shall calculate the 2/3rd portion of commuted pension in respect of Absorbee Pensioners of the State, who were drawing one third of pension/family pension with effect from 04-05-1991 to 30-09-2017 and disburse the arrears amount to the Absorbee Pensioner / Family Pensioner and legal heirs in the case of death of Absorbee Pensioner / Family Pensioner within a month.

(BY ORDER OF THE GOVERNOR)

S. KRISHNAN

PRINCIPAL SECRETARY TO GOVERNMENT

To

All Secretaries to Government.

All Departments of Secretariat.

All Heads of Departments.

The Welfare Association of Tamilnadu Ind Absorbee Pensioners represented by its General Secretary, (Regn. No.504/2007) No.12, 9th Street, TANSI Nagar, Velacherry, Chennai-600 042 and 15 others.

The Accountant General (A&E), Chennai - 600 018.

The Principal Accountant General (Audit-I), Chennai - 600 018.

The Accountant General (Audit-II), Chennai - 600 018.

The Accountant General (CAB), Chennai - 600 009.

The Commissioner of Treasuries and Accounts, Chennai-35.

All Regional Joint Directors of Treasuries and Accounts Departments.

The Pension Pay Officer, Chennai.

All District Treasury Officers.

All Sub-Treasury Officers.

All State Government owned Corporations and Statutory Boards.

Copy to:

The Finance (BPE) Department, Chennai - 600 009.

The Secretary to Chief Minister, Chennai-600 009.

The Deputy Secretary to Deputy Chief Minister, Chennai-600 009.

The Director of Pension, Chennai - 600 002.

Stock File / Spare Copies.

-/ Forwarded : By Order /-

K. S. Kannan
SECTION OFFICER.

ANNEXURE

[Vide G.O.Ms.No.277, Finance (Pension) Department, Dated:29-08-2019]

FORM OF APPLICATION

To
The Pension Pay Officer, Chennai.
The District Treasury Officer.
The Sub-Treasury Officer.

Sir/Madam,

Sub: Application for Revival of 2/3rd portion of commuted pension with effect from 04-05-1991 in respect of Absorbee Pensioners of the State who were drawn one third of pension / family pension upto 30-09-2017 and who are being drawing full pension (i.e. 100% restored pension) / with effect from 1-10-2017 - Payment of Arrears.- Request - Regarding.

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Kindly calculate the 2/3rd portion of commuted pension and pay the arrears in terms of para-4 of G.O.Ms.No.277, Finance (Pension) Department, Dated: 29-08-2019.

Requisite particulars are given below:

1. Name of the Applicant :
(in **BLOCK** letters)
2. Postal Address :
(in **BLOCK** Letters)
(Duly furnish the District)
PIN Code
3. (a) Name of the Absorbee Pensioner / :
Deceased Government employee
(Absorbee Pensioner) in case of
Family Pensioner / Legal Heir.
(in **BLOCK** letters)
(b) Relationship in case of Family :
Pensioner / Legal heirs.
4. (a) Designation / Post held by the :
Employee
(b) Office / Department from which
retired.
5. (a) Date of Birth :
(b) Date of Appointment in :
Government Department.
(c) Date of Absorption :
(d) Date of Death of Absorbee :
Pensioner in case of Family
Pensioner / Legal heirs.

6. **Pension Payment Order (PPO) No. :**
(Pensioners getting pension outside the State shall give their respective No.)

[Copy of relevant pages containing Pensioner / Family Pensioner details to be enclosed]

7. **Name of the Bank, Branch with Account No. to which the pension / family pension is credited by the Pension Disbursing Authority.**
- (a) Name of the Bank.
 - (b) Branch Name.
 - (c) Account No.
 - (d) IFSC Code/No.
 - (e) MICR Code/No.
8. **Documentary evidence, if any, in support of the claim.**
- (a) Copy of PPO.
 - (b) Death Certificate in case of Family Pensioner / Legal Heirs.
 - (c) Legal Heir Certificate in the case of Legal Heirs.
 - (d) Other documents, if any.

Place :

Date :

**Signature of the Pensioner /
Family Pensioner / Legal heir.
Name :
PPO No.**

.-/ True Copy /-

S. S. Kanwar
SECTION OFFICER.

