

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20840 of 2016
and
W.M.P.No.17854 of 2016

C.Prabu

... Petitioner

Vs.

1. The Accountant General (A&E),
Tamil Nadu Government,
No.361, Anna Salai,
Chennai - 18.
2. The Asst. Treasury Officer,
Sub-Treasury Office,
Mannargudi, Tiruvarur District.
3. The Superintendent,
Government General Hospital,
Mannargudi, Thiruvarur District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the records from the 1st and 2nd respondents pertaining to the impugned order, Na.Ka.No.A50 2016/A2 dated 01.06.2016 issued by the 2nd respondent and quash the same and consequently, direct the respondents concerned continuously to pay the pension to the petitioner.

For petitioner : Mr.P.Vijendran

For respondents: Mr.Digvijay Pandian,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner, challenging the impugned order dated 01.06.2016, passed by the second respondent, ordering to repay the excess pension amount of Rs.3,39,347/-, which was paid already.

2. By consent, the writ petition is taken up for hearing at the admission stage itself.

3. The case of the writ petitioner is as follows:

The petitioner is a physically challenged person. His mother was working as Scavenger under the 3rd respondent, who died on 22.04.2005 while in service. His father also died before the expiry of his mother. So, he has been receiving family pension of Rs.6,680/- from 23.04.2005 and the same was enhanced to Rs.8,000/-. Due to inadequacy of the pension amount, he applied for compassionate appointment, which was in vain. Therefore, he filed a writ petition in W.P.No.22671 of 2010, through which, he got compassionate appointment in the year 2011. The same was intimated to the second respondent immediately after joining work. Thereafter, the second respondent issued impugned order dated 01.06.2016, ordering repayment of the excess pension amount of Rs.3,39,347/-, which was paid already. Challenging the same, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that the impugned order having been passed without issuing a show cause notice is illegal and there is no calculation with regard to the excess amount indicated in the impugned order. Therefore, the impugned order has to be set aside.

5. The learned Additional Government Pleader appearing for the respondents submitted that the impugned order can be treated as a show cause notice for recovery and the petitioner may give a reply to the said order and the respondents would pass final orders after receiving the reply.

6. In view of the submission made by the learned Additional Government Pleader appearing for the respondents, this Court directs the petitioner to give a reply to the said order dated 01.06.2016, which is now treated as show cause notice, within 7 days from the date of receipt of a copy of this order and on receiving the reply, the respondents are directed to pass orders in accordance with law, as expeditiously as possible.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

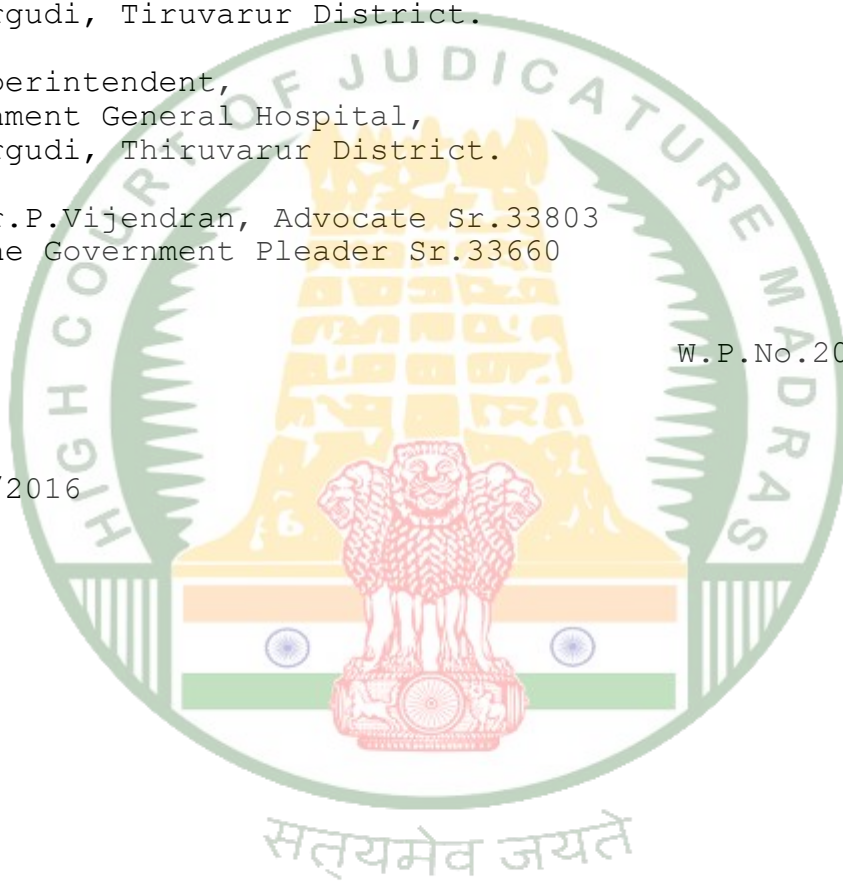
To

1. The Accountant General (A&E),
Tamil Nadu Government,
No.361, Anna Salai,
Chennai - 18.
2. The Asst. Treasury Officer,
Sub-Treasury Office,
Mannargudi, Tiruvarur District.
3. The Superintendent,
Government General Hospital,
Mannargudi, Thiruvarur District.

+1cc to Mr.P.Vijendran, Advocate Sr.33803
+1cc to the Government Pleader Sr.33660

W.P.No.20840 of 2016

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srg 23/06/2016



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