



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) Nos.18035 of 2016

S.A.Thanasekaran

...Petitioner

-vs-

1.The Assistant General Manager,

Canara Bank,
Employees Pension Fund,
Human Resources Wing,
Naveen Complex,
14, M.G.Road,
Bangalore - 560 001.

2.The Senior Manager,

Canara Bank,
Employees Pension Fund,
Human Resources Wing,
Naveen Complex,
14, M.G.Road,
Bangalore - 560 001.

3.The Branch Manager,

Canara Bank,
Mangulam Branch,
Madurai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records pertaining to the impugned proceedings passed by the first respondent in CBEPF/PEN/THANASEKARAN/46136/322/2015/YAH dated 18.12.2015 and the impugned proceedings passed by the 2nd respondent in CBEPF/MISC PEN/46136/358/2016/YAH dated 8.1.2016 and quash the same and consequently direct the respondents to repay the amount recovered from the petitioner's monthly pension towards excess payment with interest.

For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

This writ petition has been filed to quash the impugned proceedings passed by the respondents 1 and 2 dated 18.12.2015 and 08.01.2016 respectively and consequently direct the respondents to repay the amount recovered from the petitioner's monthly pension towards excess payment with interest.



2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar learned Standing Counsel, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

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3. According to the petitioner, initially he was working as a Store Keeper in the Indian Army and after his retirement, he joined as a Security Guard in the Canara Bank, Thumbaipatti Branch. Subsequently, he was promoted as Clerk and transferred to the third respondent bank and retired from service on 31.01.2009. The respondent bank paid the pension and commutation amount to the petitioner on 25.02.2011 along with arrears of pension from 27.11.2009 and also dearness relief. However, the first respondent has issued the proceedings dated 18.12.2015 stating that they have paid excess amount of Rs.1,62,588.60 towards payment of dearness relief. Thereafter, it was rectified and monthly pension of the petitioner was revised/refixed. Hence, the petitioner has given a representation dated 31.12.2015 to the first respondent requesting to deduct Rs.3,000/- per month towards recovery of excess amount. But the first respondent rejected the same and insisted the petitioner to pay Rs.5,000/- per month from the monthly pension, payable to the petitioner. Therefore, the impugned orders passed by the respondents are illegal and the same are liable to be quashed.

4. The learned Standing Counsel for the respondents would submit that recovery by installment was ordered only at the request of the petitioner and having regard to the age and possibility of recovery, a sum of Rs.5,000/- is ordered to be recovered and therefore, the same cannot be stated to be unreasonable or excessive.

5. The learned counsel for the petitioner submitted that taking into account the circumstances as detailed in the representation, his request must be considered.

6. There is also an assurance on the part of the petitioner that he has no grievance if the recovery is ordered to be paid at Rs.4,000/- per month.

7. Under such circumstances, the petitioner is directed to submit a fresh representation to the respondents, expressing willingness to deduct a sum of Rs.4,000/- per month from the monthly pension payable to the petitioner, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass orders on merits and in accordance with law within a period of two weeks thereafter.



8.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)Nos.12997 & 12998 of 2016 are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Assistant General Manager,
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Canara Bank,
Mangulam Branch,
Madurai.

+1cc to M/s.N.Dilipkumar, Advocate in SR.55052

W.P (MD) No.18035 of 2016
22.09.2016

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