



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20329 of 2016

and

W.M.P (MD) No.14528 of 2016

R.Sicily

: Petitioner

Vs.

1.The Regional Joint Director,
Treasuries and Accounts Department,
Tirunelveli, Tirunelveli District.

2.The Assistant Treasuries Officer,
Treasuries and Accounts,
Vilavancode,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from effecting any recovery from the pension of the petitioner bearing pension account No.P.P.O.C114192/EDG without notice and opportunity and following due process of law by considering representation of the petitioner dated 03.10.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondent No.1 : Mr.P.Gunasekaran

For Respondent No.2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from effecting any recovery from the pension of the petitioner, bearing pension Account No.P.P.O.C114192/EDG without notice and opportunity.

2.Heard the learned counsel appearing for the petitioner, the learned counsel for the first respondent and also the learned Additional Government Pleader appearing for the second respondent.



3.The brief facts leading to the filing of this writ petition are as follows:

The petitioner was working as a teacher and she retired from service on 31.05.2002. The office of the Accountant General, by proceedings, dated 22.05.2002, has authorized pension to the petitioner, w.e.f. 01.06.2002. She has been paid the revised family pension at the rate of Rs.22,105/- per month, till July, 2016. All of a sudden, a sum of Rs.4,048/- has been recovered from her pension from the month of August, 2016, without giving any notice. Therefore, the petitioner has come up with this petition for the aforesaid relief.

4.The learned counsel for the petitioner would submit that the recovery has been done without giving an opportunity of hearing to the petitioner.

5.The service pension of the petitioner is Rs.22,105/- and the same has been reduced to Rs.18,057/- with short payment of Rs.4,048/-. A mere perusal of the representation of the petitioner dated 03.10.2016 would show that the recovery has been made without providing an opportunity of hearing to the petitioner. Therefore, the first respondent is directed to decide the issue of recovery, by considering the representation of the petitioner dated 03.10.2016 and after providing an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law. Until the matter is decided on merits, no recovery shall be made by the second respondent from the pension of the petitioner.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CrI)

/True Copy/

Sub Assistant Registrar

smn

To

1.The Regional Joint Director,
Treasuries and Accounts Department,
Tirunelveli, Tirunelveli District.

2.The Assistant Treasuries Officer, Treasuries and Accounts,
Vilavancode, Kanyakumari District.

+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.68800

+1CC to Spl.Government Pleader Sr.No.68845

GJM/SK/SKN/8.12.16-2p-5C

ORDER MADE IN

W.P(MD)No.20329 of 2016

and

W.M.P(MD)No.14528 of 2016

14.11.2016