



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21347 of 2016

and

W.M.P (MD) No.15263 of 2016

Shenbaga Arunachalasankari

: Petitioner

Vs.

1.The Accountant General (A&E),
Accountant General Office,
Chennai - 18.

2.The Treasury Officer,
Treasury Office,
Thanjavur.

3.The Assistant Treasury Officer,
Sub Treasury Office,
Pattukottai, Thanjavur District.

4.The District Educational Officer,
District Educational Office,
Thanjavur.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned order passed by the third Respondent herein in his proceedings in Na.Ka.No.19953/E/2016 dated 24.10.2016, an order of deduction of pension and recovery and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.D.Nallathambi

For Respondent No.1 : Mr.P.Gunasekaran

For Respondents 2 to 4: Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

The impugned order dated 24.10.2016 ordering deduction of Rs.6,97,441/- for the period from 01.01.2007 to 31.08.2016 from the pension of the petitioner, is under challenge in this writ petition.



2. Heard the learned counsel appearing for the petitioner, the learned counsel, who took notice for the first respondent and the learned Special Government Pleader, who took notice for the respondents 2 to 4. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant in Kalanivasal Government Girls Higher Secondary School in the year 1972. After 34 years of unblemished service and after re-employment, she retired on 30.06.2006, from the post of Tamil Pandit Special Grade in Government Higher Secondary School, Pattukottai. The first respondent passed the pension payment order dated 21.07.2006, fixing the basic pension as Rs.7,217/- on the basis of last drawn scale of pay as Rs.9,650/-. But, after a very long period of 10 years, the third respondent passed the impugned order, deducting the pension amount from Rs.14,375/- to Rs.11,675/- and also ordering recovery of arrears for 10 years to the tune of Rs.6,97,441/-. Aggrieved over the same, the petitioner has come up with the present writ petition.

4. The learned counsel for the petitioner would submit that the impugned order was passed nearly after 10 years from the date of retirement of the petitioner and the same has been passed without issuing any notice to her.

5. A mere perusal of the impugned order would show that opportunity of hearing is not given to the petitioner before effecting deduction from the pension. Therefore, the impugned order is liable to be set aside and accordingly the impugned order dated 24.10.2016 passed by the third respondent is set aside and the matter is remitted back to the third respondent, who is expected to follow the principles of natural justice and to pass orders on merits and in accordance with law.

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

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Accountant General (A&E),
<https://hcservices.ecourts.gov.in/hcservices/>
Accountant General Office,
Chennai - 18.



2.The Treasury Officer,
Treasury Office,
Thanjavur.

3.The Assistant Treasury Officer,
Sub Treasury Office,
Pattukottai, Thanjavur District.

4.The District Educational Officer,
District Educational Office,
Thanjavur.

+1 CC to Mr.D.NALLATHAMBI, Advocate, SR No.66968

+1 CC to Mr.P.GUNASEKARAN, Advocate, SR No.67558

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.67000

ORDER MADE IN
W.P(MD)No.21347 of 2016
and
W.M.P(MD)No.15263 of 2016
08.11.2016

smn

SH/SS-2:25.11.2016:3P/8C