



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA**W.P (MD) No.22087 of 2016****and****W.M.P (MD) No.15804 to 15806 of 2016**

A.Juliat : Petitioner

Vs.

1.The Director,
Treasuries and Accounts Department,
Panagal Building,
No.1, Jeenis Road,
Sydapet, Chennai - 15.

2.The Regional Joint Director,
Treasureis and Accounts Department,
Khajamalai, Trichy.

3.The District Treasury Officer,
District treasury,
Collectorate, Thanjavur District.

4.The Assistant Treasury Officer,
Sub Treasury, Thiruvaiyaru Post,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No.374/2016/A3 dated 21.09.2016 and quash the same and direct the 4th respondent not to deduct any amount in future from petitioner's pension account and direct the 4th respondent to re-deposit the already recovered amount from her family pension account.

For Petitioner : Mr.S.Meenakshi Sundaram

For Respondents : Mr.M.Murugan,
Government Advocate.

**ORDER**

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.No.374/2016/A3 dated 21.09.2016 and quash the same and consequently to direct the fourth respondent not to deduct any amount in future from the petitioner's pension account and also to direct the fourth respondent to re-deposit the recovered amount.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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

The petitioner is the wife of Late.Arulanandam, who worked as Special Grade Assistant Agricultural Officer in the office of the Assistant Director of Agriculture Office, Thiruvaiyaru Taluk, Thanjavur District. He retired from service on 28.02.2006. His retirement pension was sanctioned by the fourth respondent and the pension was credited in his bank account. He passed away on 07.06.2007, leaving behind the petitioner, as his sole legal heir. The petitioner is getting the family pension from June, 2007. All of a sudden, she received an order passed by the fourth respondent dated 21.09.2016, stating that an excess amount of pension of Rs.1,06,561/- had been paid to her account erroneously and the same will be recovered in fifteen installments from her family pension. The said order is under challenge in this writ petition.

4.A mere perusal of the impugned order would go to show that without giving notice to the affected party, the same has been passed. Since the principles of natural justice have not been followed, the impugned order is liable to be set aside and accordingly the impugned order dated 21.09.2016 passed by the fourth respondent is set aside and the matter is remitted back to the fourth respondent, who shall issue notice to the petitioner, hear her objections, if any, and then to pass orders on merits and in accordance with law. Unless and until the matter is decided on merits, no recovery shall be made by the fourth respondent from the family pension of the petitioner. The petitioner would be entitled to get back the amount, which has already been deducted from the family pension for a period of two months, in case, she succeeds in her representation/case.



5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar (RTI)

Sub Assistant Registrar

smn

To

1. The Director,
Treasuries and Accounts Department,
Panagal Building,
No.1, Jeenis Road,
Sydapet, Chennai - 15.

2. The Regional Joint Director,
Treasureis and Accounts Department,
Khajamalai, Trichy.

3. The District Treasury Officer,
District treasury,
Collectorate, Thanjavur District.

4. The Assistant Treasury Officer,
Sub Treasury, Thiruvaiyaru Post,
Thanjavur District.

+1CC to Mr.S.Meenakshi Sundaram, Advocate Sr.No.70535

+1CC to Spl.Government Pleader Sr.No.70613

GJM/9.1.17-3p-7c

ORDER MADE IN
W.P(MD)No.22087 of 2016
and
W.M.P(MD)No.15804 to 15806 of 2016
18.11.2016