



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23220 of 2016

and

W.M.P (MD) No.16659 of 2016

K.Sundari

... Petitioner

vs.

1)The Commissioner of Treasuries and Account,
Panagal Buildings,
Saidapet,
Chennai-600 015.

2)The Accountant General (A&E),
Tamil Nadu,
Chennai-600 015.

3)The Assistant Treasury Officer,
Paramakudi,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order relating to civil pension-Excess payment dated 14.09.2016 in Na.Ka.No.671/A3/2016 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to re-pay the amount recovered from the petitioner within the stipulated period.

For Petitioner : Mr.K.Rajeshwaran
For R1 & R3 : Mr.A.K.Baskarapandian
Special Government Pleader
For R2 : Mr.P.Gunasekaran

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order with regard to civil pension-Excess payment dated 14.09.2016 in Na.Ka.No.671/A3/2016 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to re-pay the amount recovered from the petitioner within the stipulated period.



2.The only ground raised by the learned counsel for the petitioner is that the no notice has been issued to the petitioner before passing the impugned order and therefore, the same is liable to be set aside.

3.Learned counsel for the respondents fairly submitted that since it is the only ground of the petitioner that no notice has been issued to the petitioner before passing the impugned order, the impugned order may be set aside and the matter may be remitted to the authority concerned to consider the case of the petitioner afresh and to pass orders, after hearing the petitioner.

4.Recording the submission made by the learned counsel for the respondents, the impugned order is set aside and the matter is remitted back to the authority concerned. It is open to the petitioner to appear before the authority concerned on 29.12.2016 and also make written submission. The authority concerned shall consider the case of the petitioner afresh and pass orders in accordance with law, after affording an opportunity of being heard to the petitioner. If the petitioner fails to appear on the said date, the authority concerned can proceed to pass final order, based on the available records before him, within fifteen days from 29.12.2016.

With the above direction, this Writ Petition stands allowed. No costs. Consequently, W.M.P(MD)No.16659 of 2016 is closed.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

1)The Commissioner of Treasuries and Account,
Panagal Buildings,
Saidapet,Chennai-600 015.

2)The Accountant General(A&E),
Tamil Nadu,Chennai-600 015.

3)The Assistant Treasury Officer,
Paramakudi,Ramanathapuram District.

+1cc to Mr.P.Gunasekaran, Advocate SR.No.82936

+1cc to Mr.K.Rajeswaran, Advocate SR.No.82534

+1cc to special Government Pleader SR.No.82306

nbi

sm:SS3:SAR_3:23/12/2016:2P/7C
<https://hcservices.ecourts.gov.in/hcservices/>

W.P (MD) No.23220 of 2016
20.12.2016