



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4079 of 2016

and

W.M.P(MD)Nos.3658 and 3659 of 2016

Siluvailenal

... Petitioner

Vs.

1. The District Treasury Officer,
District Treasury,
Madurai 625 020.

2. The Assistant Treasury Officer,
District Treasury,
Madurai 625 020.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the impugned order issued by the 2nd respondent vide Na.ka.No.5250/2014/F1 dated 12.05.2014 and quash the same.

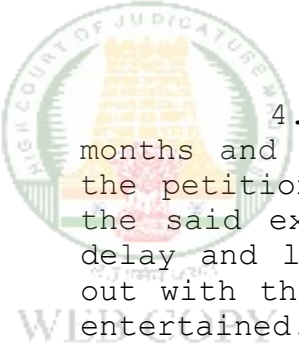
For Petitioner : Mr.M.P.Dhamodaran
For Respondents : Mrs.S.Bharathy,
Government Advocate.

ORDER

Challenging the recovery notice dated 12.05.2014 issued by the second respondent, the present writ petition has been filed.

2.Heard the learned counsel for the petitioner. Mrs.S.Bharathy, learned Government Advocate takes notice for the respondents.

3.The husband of the petitioner was employed as Special Sub Inspector of Police and was retired. He also died on 17.11.2010 and family pension was issued in favour of the petitioner. The second respondent had sent a communication in his proceedings in Na.Ka.No.5250/2014/F1, dated 12.05.2014 informing the petitioner that the enhanced family pension at the rate of Rs.7,566/- shall be given till 03.03.2011 and 04.03.2011 onwards normal rate of family pension at the rate of Rs.4,542/- shall be disbursed in accordance with G.O.Ms.No.702 Finance (Pension) Department. dated 07.10.1988. Since they had disbursed excess amount of Rs.1,29,418/- under enhanced family pension, they have decided to deduct the same for a period of 29 months at the rate of Rs.4,040/- per month. The said notice is impugned in the present writ petition.



4. Admittedly, the petitioner had allowed the recovery for 21 months and only eight months remaining to be recovered. It is seen that the petitioner has not consented or objected for the last 21 months for the said exercise and the affidavit is also bereft of details for the delay and laches on the part of the petitioner. The petitioner has come out with the writ petition on a second thought belatedly which cannot be entertained. Hence, the writ petition is dismissed. No costs. Consequently, W.M.P (MD) Nos. 3658 and 3659 of 2016 are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Treasury Officer,
District Treasury,
Madurai 625 020.
2. The Assistant Treasury Officer,
District Treasury,
Madurai 625 020.

+ 1 CC TO M/S.M.P.DHAMODARAN, ADVOCATE IN SR NO. 11448
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 11621

SMS

TE/SK-SKN/ : 10/03/2016 : 2P/5C

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