



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Fifteenth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.D.AUDIKESSAVALU

WMP(MD) No.14743 of 2017

IN

WP(MD) No.18291 of 2017

R.AROCKIAM

... PETITIONER/PETITIONER

Vs

1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06

2 THE DISTRICT EDUCATION OFFICER
GOBICHETTIPALAYAM, ERODE DISTRICT.

3 THE ACCOUNT GENERAL
361, ANNA SALAI, TAMIL NADU, TEYNAMPET,
CHENNAI-18

4 THE DISTRICT TREASURY OFFICER,
DINDIGUL DISTRICT, DINDIGUL.

5 THE ASSISTANT TREASURY OFFICER,
SUB TREASURY, VEDASANDUR,
DINDIGUL DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Interim Stay of the operation of the impugned order passed by the 5th respondent in Oo.Mu./2017/Aa dated 20.06.2017 pending disposal of the WP and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.TAMILMANI, Advocate for the petitioner and of Mr.R.VELMURUGAN, Government Advocate for RR1,2,4 & 5 and Mr.P.GUNASEKARAN, Advocate for R3 and the court made the following order:-

The petitioner has preferred this Writ Petition aggrieved by the order bearing No.Oo.Mu. /2017/Aa dated 20.06.2017 issued by the fifth Respondent pursuant to the directions issued by the Principal Secretary to Government, Finance (TMTC) Department, Government of Tamil Nadu in Letter No.14483/TMTC/2011-1 dated



05.01.2012. In that impugned order, a sum of Rs.2,02,753/- is claimed to have been excessively paid to the Petitioner, which was to be recovered in 16 instalments of Rs.12,448/- from the monthly pension paid to the Petitioner during the period from June, 2017 to September, 2018.

WEB COPY

2.The contention of the petitioner is that the impugned order is in violation of the principles of natural justice. The matter requires detailed consideration at the time of final disposal of the writ petition, and the Respondents shall file the counter affidavit within four weeks from today.

3.Learned counsel for the Petitioner urges that the sum of Rs.12,448/- directed to be recovered from his monthly pension of about Rs.24,000/- is onerous and causes hardship, which requires to be stayed during the pendency of the writ petition.

4.After hearing the rival submissions, this Court is of the considered view that in order to balance equities between the parties and secure the ends of justice, it would be appropriate to direct as an interim measure that the amount to be recovered from the future monthly pension of the Petitioner shall not exceed Rs.5,000/- in a month towards the excess payment claimed, until further orders in this Writ Petition.

5.It is made clear that the total amount of recovery, in any event, shall not exceed Rs.2,02,753/- and a statement showing details of such recovery effected shall be produced by the Respondent at the time of final disposal of the Writ Petition. It is needless to add here that, in the event of the Petitioner ultimately succeeding in the Writ Petition, the recovered amount shall be liable to be refunded at once to the Petitioner with interest @ 12% per annum.

6.The Writ Miscellaneous Petition is ordered on the aforesaid terms.

sd/-
15/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06

2 THE DISTRICT EDUCATION OFFICER
GOBICHETTIPALAYAM, ERODE DISTRICT.



3 THE ACCOUNT GENERAL
361, ANNA SALAI, TAMIL NADU, TEYNAMPET,
CHENNAI-18

4 THE DISTRICT TREASURY OFFICER,
DINDIGUL DISTRICT, DINDIGUL.

5 THE ASSISTANT TREASURY OFFICER,
SUB TREASURY, VEDASANDUR, DINDIGUL DISTRICT.

+1. C.C. to M/S.N.TAMILMANI Advocate SR.No.34462

ORDER
IN
WMP (MD) No.14743 of 2017
IN
WP (MD) No.18291 of 2017
Date :15/11/2017

sj
SH/SM/SAR-2:17.11.2017:2P/7C