

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.4492 of 2011

1 K.Thangavelu
2 S.Elumalai
3 C.Arunachalam
4 M.Pachiappan
5 M.Chinnadurai ... Petitioners

vs.

1 The Deputy Director of Health Services
Thiruvannamalai District.
2 The Director of Public Health Medicine,
D.M.S. Compound, Chennai - 6.
3 The Secretary,
Health and Family Welfare Dept.,
Secretariat, Chennai 9. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to impugned recovery order in Na.Ka.5247/A4/1994, dated 27.4.2005 from the file of the first respondent and quash the same and directing the respondents to reimburse a sum of Rs.22,184/- to each of the petitioners directing the respondents to pay the incremental benefits from 1.10.2000 to 13.10.2004.

For Petitioner : Mr.R.T.Sundari
For Respondents : Mr.A.Zakir Hussain, G.A.

सत्यमेव जयते

O R D E R

According to the petitioners, petitioners were appointed as field worker in the scale of pay of Rs.750-12-870-15-945 and joined service on 28.11.1996. On receipt of proposal sent by the second respondent for age relaxation of the petitioners, orders have been issued by the Government and their services have been regularised vide G.O.Ms.No.348, dated 14.10.2004 and monetary benefits were also paid to the petitioners. Subsequently, the Joint Director has issued notice to the petitioners for recovery of excess amount of Rs.22,184/- paid to the petitioners during the period from 1.10.1997 to 1.10.2000, vide Na.Ka.No.5242/A4/1994, dated 27.4.2005 in 36 instalments. Communications were also sent to similarly placed persons for recovery of the aforesaid

amount. Accordingly, entire amount of Rs.22,184/- has been recovered from 36 instalments i.e. 1st instalment in March, 2005 Rs.584/-, second instalment Rs.520/- and the remaining amount has been recovered in 34 instalments at Rs.620/- per month. According to the petitioners, the impugned order is illegal and the same is liable to be quashed.

2 The learned counsel for the respondents would submit that admittedly, excess amount of Rs.22,184/- has been paid to the petitioners during the period from 1.10.1997 to 30.10.2004 amounting to Rs.22,184/-. Thereafter, action has been taken for recovery of the excess payment of 22,184/- and the same is recovered in 36 instalments from March 2005. Petitioners have approached this Court by filing the present writ petition after the lapse of three years. Therefore, the writ petition is liable to be rejected.

3 Considering the submission made by the learned Additional Government Pleader, admittedly, excess amount of Rs.22,184/- paid by the respondent was recovered in 36 instalments from March 2005. Petitioner has not approached the authority concerned and make any objection for recovery proceedings. Therefore, this Court is of the view that already recovery order has been given effect to, without any objection and excess amount paid to the petitioners has been recovered in 36 instalments. As rightly pointed out by the learned Additional Government Pleader, after the lapse of nearly three years, the writ petition has been filed before this court. Therefore, writ petition deserves to be dismissed.

4 Accordingly, writ petition stands dismissed. No costs. It is open to the petitioners to approach the authority concern to seek any other benefits, if so eligible, within a reasonable time.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

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To

1 The Deputy Director of Health Services,
Thiruvannamalai District.

2 The Director of Public Health Medicine, D.M.S.
Compound, Chennai - 6.

3 The Secretary, Health and Family Welfare
Dept., Secretariat, Chennai 9.

+1 CC TO GOVERNMENT PLEADER SR.NO. 80694

W.P.No.4492 of 2011

ASK(10/12/2018)