

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8621 of 2011

M. Malliga

...Petitioner

-Vs-

1. The Secretary to Government,
Revenue (Pani.6(2)) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Personal Assistant (General)
to the District Collector,
Sivagangai District,
Collectorate,
Sivagangai - 630 562.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus by calling for the records relating to the proceedings in G.O. (Nilai) No.335 Revenue (Pani.6(2)) Department dated 28.06.2007 on the file of the first respondent herein and to quash the same in so far it related to the Clause 5(ii) by directing the recovery of the monetary benefits in so far as the petitioner is concerned and to direct the respondents to regularize the services of the petitioner with effect from 09.11.1989 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mrs. Elizabeth Ravi

For Respondents

No.1&2 : Mr.D. Rahu
(Govt. Advocate)

O R D E R

The writ petition has been filed for issuance of Writ of Certiorarified Mandamus by calling for the records relating to the proceedings in G.O. (Nilai) No.335 Revenue (Pani.6(2))

Department dated 28.06.2007 on the file of the first respondent herein and to quash the same in so far it related to the Clause 5(ii) by directing the recovery of the monetary benefits in so far as the petitioner is concerned and to direct the respondents to regularize the services of the petitioner with effect from 09.11.1989 within a time frame as may be fixed by this Hon'ble Court.

2. According to the petitioner, the first respondent has passed impugned order in G.O. (Ms) No.335, Revenue Department, dated 28.06.2007 for recovery of the excess amount paid to the petitioner towards monetary benefits till the date of regularization of the petitioner. i.e. 28.06.2007. Challenging the aforesaid recovery of monetary benefits, the present writ petition has been filed.

3. The learned Government Pleader appearing for the respondents relying upon the paragraph No.9 in the counter affidavit filed on 26.11.2017 would submit that according to the proceedings of the Tahsildar, Ilayangudi Roc.A8/7105/2015, dated 16.02.2016, the petitioner was ordered to pay the excess payment of salary of Rs.1,44,896/- (Rupees One Lakhs Forty Four Thousand Eight Hundred and Ninety Six Only) for the period from 22.07.1992 to 27.06.2007. Accordingly, the petitioner has remitted the aforesaid amount at Sub-Treasury Ilayangudi on 28.01.2016 and retired from the Government service on 31.01.2016 A.N. In the result, the writ petition has become infructuous.

4. By considering the aforesaid statement made by the learned Government pleader that the petitioner has remitted entire outstanding amount of excess salary, which was paid excessively towards monetary benefits to the petitioner, without any objection. Hence, there is nothing survives to adjudicate the matter involved in this writ petition. Hence, the relief sought for in this present Writ Petition became infructuous.

5. In the result, the writ petition is dismissed as infructuous. No costs.

lbm

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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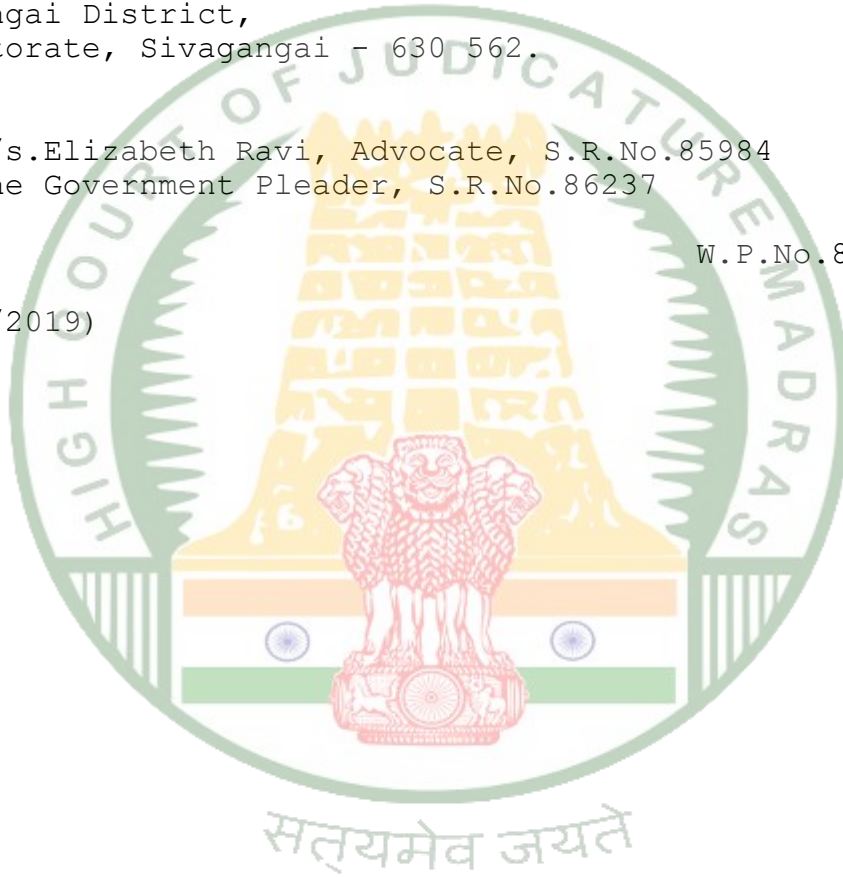
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+1cc to M/s.Elizabeth Ravi, Advocate, S.R.No.85984
+1cc to the Government Pleader, S.R.No.86237

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BR(CO)
KAK(21/02/2019)



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