



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.123 of 2018
and
W.M.P.(MD) No.130 of 2018

Rajamani

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Drinking Water,
Services (MaNa.6) Department,
Secretariat, Chennai - 600 009.

2.The Director of Local Fund and Audit
Department,
Combined Financial Department
Office-Campus,
4th Floor, Nanthanam,
Chennai - 600 035.

3.The Commissioner,
Municipal City Corporation,
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 not to deduct Rs.2,000/- from the petitioner's pension beyond three years as per G.O.(Pa) No.63, dated 17.02.2014 passed by the 1st respondent.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.J.Gunaseelan Muthiah, AGP
for RR1 and 2
Mr.Saji Bino for R3

O R D E R

The petitioner is a retired employee of the third respondent Corporation. For some misconduct said to have committed by him, he was imposed with the penalty of recovery of a sum of Rs.2,000/- from his pension for a period of three years. The said order was passed vide G.O.(Pa) No.63 dated 17.02.2014.



2.It is admitted that the said sum of Rs.2,000/- was recovered from the writ petitioner for a period of three years. The grievance of the petitioner is that even though the said period has already expired and recovery was made in terms of G.O.(Pa) Ms.No.63 dated 17.02.2014, recovery continues to be made. This is clearly illegal. Therefore, the mandamus sought for by the writ petitioner deserves to be granted.

3.The respondents 2 and 3 are restrained from deducting any sum from the writ petitioner's pension beyond three years as stipulated in G.O.(Pa) Ms.No.63 dated 17.02.2014.

4.This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and
Drinking Water,
Services (MaNa.6) Department,
Secretariat, Chennai - 600 009.

2.The Director of Local Fund and Audit
Department,
Combined Financial Department
Office-Campus,
4th Floor, Nanthanam,
Chennai - 600 035.

+One cc to Mr.R.Murugappan, Advocate, SR.No.46441
+One cc to M/s.Saji Bino, Advocate, SR.No.46365
+One cc to The Special Government Pleader, SR.No.47244

Arul

RL/6C/2P/KK/SAR1/16/2/2018

W.P (MD) No.123 of 2018
and

W.M.P. (MD) No.130 of 2018