



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

WEB COPY

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P(MD) No.1704 of 2018

and

W.M.P. (MD) Nos.1806 and 1807 of 2018

Manivelu

... Petitioner

Vs.

1. The Regional Joint Director of
Treasuries and Accounts,
Collectorate Complex,
Madurai - 625 020.

2. The Treasury Officer,
District Treasury,
Collectorate Campus,
Theni.

3. The Assistant Treasury Officer,
Sub-Treasury Office,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.167/A2/2016 dated 18.02.2016 and quash the same and consequently direct the respondents to reimburse the recovered amount of Rs.59,815/- to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.M.Jeyakumar
Addl. Govt. Pleader

ORDER

The petitioner is a pensioner. From his pension amount, a sum of Rs.59,815/- was recovered. It is not in dispute that before effecting such recovery, the petitioner was not put on notice. Recovering the said amount even on the ground that it is an excess



payment is impermissible in law unless the principles of natural justice are complied with.

2. Since the recovery is illegal, the respondents are directed to reimburse the said amount of Rs.59,815/- to the petitioner immediately. It is open to the respondents to issue fresh notice and after getting explanation from the writ petitioner, pass appropriate orders on merits and in accordance with law.

3. With the above liberty, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Joint Director of
Treasuries and Accounts,
Collectorate Complex,
Madurai - 625 020.
2. The Treasury Officer,
District Treasury,
Collectorate Campus,
Theni.
3. The Assistant Treasury Officer,
Sub-Treasury Office,
Uthamapalayam,
Theni District.

+ 1 cc TO Mr.P.R.Prithivi Raj , Advocate in SR No. 52634
+ 1 cc TO The Special Government Pleader in SR No. 52990

skn

AE/SKN RSK/SAR4/03.07.2018/2P/6C

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