



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.216 of 2018

and

WMP(MD)No.217 of 2018

Sivanesan

... Petitioner

Vs.

1.Union of India,
New Delhi, By its Principal Secretary,
Human Resources Department,
New Delhi.

2.The National Institute of Technology,
Tiruchirappalli, By its Director,
National Institute of Technology,
Trichy - 15.

3.The Registrar,
National Institute of Technology,
Trichy - 15.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent proceedings G1/Pension/2016-17 dated 24.01.2017 and quash the same as illegal and forbearing the respondents from recovering the amount from the monthly pension of the petitioner.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.P.Dharmaraj for R1

Mrs.J.Maria Roseline
for Mr.Sri Balaji for R3

No appearance for R2

ORDER

The petitioner is a pensioner. He was employed in Regional Engineering College of Technology, Trichy. It is now known as National Institute of Technology, Trichy. By the impugned order,



the petitioner's pension has been refixed and an order of recovery has also made.

2.A mere look at the impugned order would show that the petitioner was not put on notice prior to such adverse re-fixation and recovery. On this ground, the impugned order is set aside. It is of course open to the respondents to follow the due process of law and pass orders afresh, if so advised. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+1CC TO Mrs.J.Maria Roseline, Advocate, Sr No.53384
+1CC TO Mr.S.Muthukrishnan, Advocate, Sr No.54238

W.P (MD) No.216 of 2018
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skm

MS/PM-PN/SAR.4/09.03.2018/2P.3C