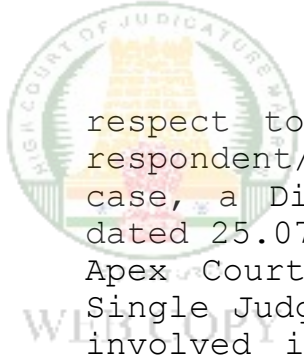




respect to several other persons, who are similarly placed like respondent/writ petitioner. Challenges were made. In one such case, a Division Bench of this Court in W.A.(MD)No.1003 of 2017, dated 25.07.2017, placing reliance on the decision of the Honourable Apex Court, was pleased to confirm the decision of the learned Single Judge, who set aside the order of recovery. Thus, the issue involved is covered by the decision in W.A.(MD)No.1003 of 2017, dated 25.07.2017, which has become final against the appellant.

2.In such view of the matter, this writ appeal is dismissed. We are also of the view that there is no willful suppression by the respondent/writ petitioner in getting the excess payment. However, the unilateral recovery action was taken at the verge of retirement, though payment was made much earlier. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-III)

TO

- 1.The Commissioner,
Horticulture and Plantation Crops Department
Cheppauk,
Chennai-05.
- 2.The Deputy Director of Horticulture
Sivagangai,
Sivagangai District.
- 3.The Joint Director of Agriculture,
Thanjavur,
Thanjavur District.

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR.No.79267
+1cc to M/s.Special Government Pleader,SR.No.79373

W.A. (MD) .No.1075 of 2018
20.08.2018

VS

KK/SV/SAR-3/19.09.2018/2P-6C