



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.23949 of 2016

and

WMP(MD)Nos.17279 & 13224 of 2016

R.Sudalai Veerapandian

... Petitioner

Vs.

1. The Principal Accountant
General (A&E),
Accountant General Office,
Chennai - 18.
2. The Director of School Education,
Higher Secondary Department,
College Road, Nungambakkam,
Chennai - 6.
3. The District Treasury, Thoothukudi,
Rep.by District Treasury Officer,
Thoothukudi District.
4. The Chief Educational Officer,
Thoothukudi District, Thoothukudi.
5. The District Elementary
Educational Officer,
Thoothukudi, Thoothukudi District.

... 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 on the file of the third respondent pertaining to its order bearing Na.Ka.No.6746/2016/F4 dated 17.08.2016 and to quash the same and consequently direct the respondents to pay the pensionary benefits in accordance with the order passed by this Court.

For petitioner
For respondents

: Mr.C.Herold Singh
: Mr.J.Gunaseelan Muthaiah,
Addl., Govt., Pleader for R2 to R5

**ORDER**

The petitioner joined service as a Elementary Grade Teacher in the year 1962. He reached the age of superannuation on 30.11.1994. He sought the extension of the benefits conferred vide G.O.Ms.No.216, dated 22.03.1993. In this regard, he filed WP (MD)No.13677 of 2011. The petitioner's writ petition was taken up along with a batch of other writ petitions and by order dated 20.12.2011, the writ petitions were allowed.

2. Based on the said Court order, the petitioner was also paid a sum of Rs.2,93,219/- by way of arrears and his pension was also refixed. Thereafter, without putting the petitioner on notice, the order of recovery was passed. The same was set aside on the ground of violations of principles of natural justice. Pursuant to the direction given by this Court in WP(MD)No.10618 of 2016, the petitioner was put on notice and the impugned order dated 17.08.2016 came to be passed.

3. Heard the learned counsel for the parties.

4. The order dated 17.08.2016 is liable to be quashed on single short ground. Admittedly, the benefits were paid to the petitioner and his pension was also refixed only in terms of the order dated 20.12.2011 in WP(MD)No.13677 of 2011. Since the order dated 20.12.2011 was not challenged by way of writ appeal or by way of review, it was not open to the authorities to take a stand in contravention of the direction given by this Court in the writ order.

5. On this sole ground, the order impugned in the writ petition is quashed. This writ petition is allowed. It is made clear that the petitioner's pension shall not be downgraded to his disadvantage. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Accountant
General (A&E),

<https://hcservices.accounts.gov.in/hcservices/>
Accounting General Office,
Chennai - 18.



2. The Director of School Education,
Higher Secondary Department,
College Road, Nungambakkam,
Chennai - 6.

WEB COPY

2. The District Treasury Officer,
District Treasury, Thoothukudi,
Thoothukudi District.

4. The Chief Educational Officer,
Thoothukudi District, Thoothukudi.

5. The District Elementary
Educational Officer,
Thoothukudi, Thoothukudi District.

+ 1 cc TO Mr.S.C.Herold Singh , Advocate in SR No. 55494

+ 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 55509

+ 1 cc TO The Special Government Pleader in SR No. 55393

SKM

AE/RSK/SAR4/28.04.2018/3P/9C

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