

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.612 of 2019
and
WMP.Nos. 4870 and 650 of 2019

L. R. Ganesan

..Petitioner

vs

1. Government of Tamil Nadu
Represented by Secretary,
Higher Education, Chennai- 9.

2. Principal Accountant General,
Office of the Principal Accountant General
(Accounts & Entitlement) Tamil Nadu
381, Anna Salai, Chennai - 600 010

3. Pension Pay Officer,
Pension Pay Office, Chennai- 600 035.

4. The Joint Director of Collegiate Education,
Madurai Region, Madurai- 20.

5. The Secretary,
Madura College, TPK Road,
Chennai- 625011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Certiorarified Mandamus calling for records pertaining to proceedings in Na.Ka.No.8668/2018/M1 dated 12.12.2018 issued by the 3rd respondent, quash the same and direct the respondents 2 to 4 to continue to pay the revised pension as before which is being received by the petitioner.

For Petitioner : Mr. R. Subramanian

For Respondents : Mr. V. Kadirvelu, Spl. G.P.

O R D E R

The case of the petitioner is that the petitioner joined as Chemistry Lecturer in 5th respondent College on June 1951 and thereafter the petitioner became Professor and Head of the Department in the year 1964. The petitioner retired from service on 29.03.1987. At the time of retirement, his pension amount was fixed as Rs.1,111/- which was revised from time to time. At present, the petitioner have been receiving Rs.75,869/- per month. The petitioner received a proceedings dated 12.12.2018 from the 3rd respondent stating that an excess of Rs.16,49,615/- had been paid to the petitioner towards pension as found by the audit report. The impugned proceedings also calls upon the petitioner to pay the entire amount in one installment. On receiving the same, petitioner caused a legal notice to the 3rd respondent on 24.12.2018 stating that no particulars of amounts, dates of payment or other details have been furnished and without issuing a show cause notice passing the order of recovery is bad in law accordingly. Aggrieved by the same, the present writ petition is filed.

2. On the perusal of the records, it is seen that the petitioner was not issued any show cause prior to the order of recovery, hence this impugned order is set aside and the matter is remanded back for fresh consideration after affording an opportunity of personal hearing to the petitioner on merits and in accordance with law. Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

mrn

To

1. Government of Tamil Nadu
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Higher Education, Chennai- 9.

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5. The Secretary,
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+1cc to Mr.R.Subramanian, Advocate, S.R.No. 79958
+1cc to the Government Pleader, S.R.No. 80181

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NRL(CO)
GN(18/10/2019)