



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34172 of 2019

S.Muthu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 09
2. The Commissioner of Municipalities,
"Ezhilagam", Chepauk,
Chennai.
3. The Director of Local Fund Audit,
Directorate of Local Fund Audit,
Integrated Office Complex for Finance Department,
4th Floor, Nandanam, Chennai 600 035.
4. The Assistant Director,
Municipal Pension Payment,
Directorate of Local Fund Audit,
Integrated Office Complex for Finance Department,
4th Floor, Nandanam, Chennai 600 035.
5. The Commissioner,
Municipal Office,
Sattur - 626 203.
6. The Indian Overseas Bank,
Rep. by its Branch Manager,
Sattur Branch,
No.347, Sriram Lodge Buildings,
Kovilpatti Main Road,
Sattur - 626 2013.
7. The Indian Overseas Bank,
Rep. by its Branch Manager,
Vayalogam Branch,
State Level Training Institute - Agricultural Complex,
Pudukottai - 622 104.



8. K.Chinnaiya

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent herein to pay the petitioner the balance pension arrears amount of Rs.74,212/- along with interest at the rate of 12% per annum within a reasonable time.

For Petitioner	: Mr.M.V.Kalai Chithiram
For Respondents	: Mr.V.Prabhu
	Government Advocate for
	R1 to R4
	Mr.V.Jayaprakash,
	Government Pleader for R5
	Mr.V.Kadhirvel,
	Special Government Pleader
	for R6, R7.

ORDER

This writ petition has been filed seeking for the issue of writ of Mandamus directing the 4th respondent to pay the petitioner the balance pension arrears of a sum of Rs.74,212/- with interest.

2. It is the case of the petitioner that the petitioner retired from service as a Sanitary worker at Sattur Municipality in the year 2017. The petitioner was drawing pension through her Bank Account, which was maintained at the 6th respondent Bank. The petitioner's pension amount was revised by G.O.Ms.No.303, Finance Department with effect from 01.10.2017. The arrears of the revised pension was wrongly sent by the 4th respondent to the account of the 8th respondent, which was maintained in the 7th respondent bank. The 4th respondent on realizing the mistake had recovered and paid a part of the pension arrears to the petitioner and according to the petitioner, a balance sum of Rs.74,212/- still remains to be paid to the petitioner. The petitioner has made a representation to the 4th respondent to immediately recover the amount and pay the pension arrears to him. Since no action was taken, the present writ petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned respective counsel appearing on behalf of the respondents.

4. It is seen from records that the 4th respondent by his letter dated 15.11.2019, has already directed the 8th respondent



to deposit the amount of Rs.74,212/-, which has been wrongly credited to his account, which was maintained by him before the 7th respondent bank. However, till date, the amount has not been deposited and the petitioner is being made to run from pillar to post for the mistake that was committed by the 4th respondent. There is no dispute with regard to pension arrears that is payable to the petitioner, pursuant to the revision of pension. The only mistake that was committed is that the amount was wrongly credited to the bank account of the 8th respondent. In fact, part of the amount has already been recovered and paid to the petitioner.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 4th respondent to immediately recover the amount of Rs.74,212/- from the 8th respondent and pay it to the petitioner, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation along with copy of this order to the 4th respondent.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 09
2. The Commissioner of Municipalities,
"Ezhilagam", Chepauk,
Chennai.
3. The Director of Local Fund Audit,
Directorate of Local Fund Audit,
Integrated Office Complex for Finance Department,
4th Floor, Nandanam, Chennai 600 035.



WEB COPY

4. The Assistant Director,
Municipal Pension Payment,
Directorate of Local Fund Audit,
Integrated Office Complex for Finance Department,
4th Floor, Nandanam, Chennai 600 035.

5. The Commissioner,
Municipal Office,
Sattur - 626 203.

6. The Branch Manager,
Indian Overseas Bank,
Sattur Branch,
No.347, Sriram Lodge Buildings,
Kovilpatti Main Road,
Sattur - 626 2013.

7. The Branch Manager,
Indian Overseas Bank,
Vayalogam Branch,
State Level Training Institute - Agricultural Complex,
Pudukottai - 622 104.

+1 cc to M/s.V.Jeyaprakash Narayanan,Advocate Sr.No. 102883

+1 cc to M/s.S.R.Karthikeyan,Advocate Sr.No. 103028

+1 cc to The Government Pleader Sr.No.103100

AKM/13.12.19/4P-11C/

W.P.No.34172 of 2019