



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.3297 of 2014

and

M.P (MD) Nos.1 to 3 of 2014

Muthusamy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai.

2.The Headmaster,
Government Higher Secondary School,
Kalayarkoil,
Sivagangai District.

3.The Regional Accounts Officer,
School Education Department,
Thallakulam,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings of the first respondent made in G.O.Ms.No.263 Finance (Pay Cell) Dept. dt. 22.7.2013 and the consequential recovery proceedings of the third respondent made in Na.Ka.No.2959/A11/2013, dated 17.09.2013 and quash the same.

For Petitioner : Mr.R.Murali

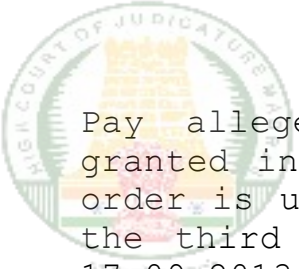
For R1 to R3 : Mrs.S.Srimathy

Special Government Pleader

ORDER

The order of recovery dated 17.09.2013 is under challenge in the present writ petition.

2.The order of recovery impugned was passed on the ground that the Grade Pay granted to the writ petitioner was erroneous and excess payment of salary was paid to the writ petitioner. Now that, the claim of the writ petitioner for award of Grade Pay was admitted by the respondents and a revised pension was also granted and sanctioned subsequently by the Accountant General (Accounts & Entitlements), Tamil Nadu in Proceeding No.P10/11024083/4/PPO/NO R1013998, dated 27.03.2019. In view of the fact that the Grade



Pay alleged to have been excesssly received was subsequently granted in favour of the writ petitioner. The impugned recovery order is untenable and consequently, the order impugned passed by the third respondent in proceedings Na.Ka.No.2959/A11/2013 dated 17.09.2013 is quashed.

3. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai.

2. The Headmaster,
Government Higher Secondary School,
Kalayarkoil,
Sivagangai District.

3. The Regional Accounts Officer,
School Education Department,
Thallakulam,
Madurai.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-71451[F] dated 26/06/2019)

AM

W.P. (MD) No.3297 of 2014
25.06.2019

_KM/ (03.07.2019) 2P 5C