

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.20673 of 2014

M.Dhanalakshmi

...Petitioner

vs.

1. The Principal and Accountant General,  
Tamil Nadu Office of the Principal and  
Accountant General,  
No.361, Anna Salai,  
Chennai 600 088.

2. The Pension Pay Officer,  
Pension Pay Office,  
Chennai 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> Respondent bearing O.Va.A./Na.Ka.No.10613/H1/2014, dated 15.05.2014 and quash the same and direct the Respondents to pay the pension amount of Rs.22,400/- to the Petitioner.

For Petitioner : Mr.L.Dhamodharan

For Respondents: Mr.A.N.Thambidurai  
Special Government Pleader

ORDER

Petitioner has come up with this Writ Petition challenging the proceedings dated 15.05.2014 passed by the 2<sup>nd</sup> Respondent vide O.Va.A./Na.Ka.No.10613/H1/2014, and for a direction to the Respondents to pay the pension amount of Rs.22,400/- to her.

2. According to the Petitioner, she retired from service as P.G. Assistant from Government Hobart Higher Secondary School, Chennai on 30.06.1997, and has been drawing pension with effect from 01.07.1997. She was drawing pension of a sum of Rs.22,400/-. However, in February 2014, she was shocked to note that, only a sum of Rs.4,295/- was transmitted to her Bank Account as pension, and that, there was a shortfall of Rs.18,105/-. The same amount of Rs.4,295/- was transmitted as pension even in March 2014. Though the Petitioner approached the 2<sup>nd</sup> Respondent to ascertain the reason behind the shortfall in pension amount, there was no response. Hence, the Petitioner caused a Lawyer's notice dated 23.04.2014 to the 2<sup>nd</sup> Respondent,

apart from making an Application dated 23.04.2011 under the Right to Information Act.

3. Pursuant thereto, on 22.06.2014, the Petitioner received a communication dated 15.05.2014 from the 2<sup>nd</sup> Respondent, wherein, it is stated that, the pension amount was wrongly calculated for the period from February 2012 to January 2014, thereby, excess amount was alleged to have been paid to the Petitioner and hence, they have taken a decision to deduct a sum of Rs.1,04,759/- by way of instalments commencing February 2012 to January 2014. Challenging the said communication of the 2<sup>nd</sup> Respondent, the Petitioner is before this Court by way of the present Writ Petition.

4. Learned counsel for the Petitioner contended that, the unilateral decision taken by the 2<sup>nd</sup> Respondent in deducting a sum of Rs.13,095/- every month from February 2012 to January 2014, without the knowledge of the Petitioner, is against the principles of natural justice.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Issuance of Show Cause Notice is mandatory before ordering recovery from an employee. Though, in the communication dated 15.05.2014, the 2<sup>nd</sup> Respondent herein has stated that, excess amount was alleged to have been paid to the Petitioner and hence, they have taken a decision to deduct a sum of Rs.1,04,759/- by way of instalments from the Petitioner's pension, no Show Cause Notice was issued to the Petitioner as regards deduction in her Pension amount. Such act is certainly against the principles of natural justice. Hence, on this ground, the order dated 15.05.2014 impugned in this Writ Petition is liable to be set aside.

7. Accordingly, the impugned order dated 15.05.2014 passed by the 2<sup>nd</sup> Respondent herein is set aside and the matter is remanded to the 2<sup>nd</sup> Respondent for fresh consideration. The 2<sup>nd</sup> Respondent shall consider the case of the Petitioner, after affording an opportunity of hearing to her, and pass appropriate orders thereon, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected M.P.No.1 of 2014 and W.M.P.No.5716 of 2018 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Principal and Accountant General,  
Tamil Nadu Office of the Principal and  
Accountant General,  
No.361, Anna Salai,  
Chennai 600 088.
2. The Pension Pay Officer,  
Pension Pay Office,  
Chennai 600 006.

+1cc to M/s.J.Sreevidhya, Advocate, S.R.No.36710

W.P.No.20673 of 2014

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