



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2020

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P (MD)Nos.7187, 7190, 7194, 7205, 7206 & 7222 of 2020
and
W.M.P. (MD)Nos.6617, 6625, 6637, 6638 and 6662 of 2020

K.Maharajan	... Petitioner in WP (MD)No.7187 of 2020
A.T.Panchanatham	... Petitioner in WP (MD)No.7190 of 2020
Thilagar	... Petitioner in WP (MD)No.7194 of 2020
S.Arungam	... Petitioner in WP (MD)No.7205 of 2020
P.Mahadevan	... Petitioner in WP (MD)No.7206 of 2020
S.Radhakrishnan	... Petitioner in WP (MD)No.7222 of 2020

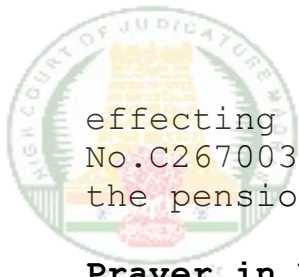
Vs.

- 1.The Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.
- 2.The Director of Agriculture,
Chepauk, Chennai. ...1st & 2nd Respondents in all WP's
- 3.The Treasury Officer,
District Collectorate Campus,
Madurai. ...3rd Respondent in WP (MD)Nos.
7187,7190,7206 & 7222 of 2020
- The Assistant Treasury Officer
Aundipatti, Theni District. ...3rd Respondent in WP (MD)No.
7194 of 2020
- The Treasury Officer,
District Treasury, Thoothukudi. ...3rd Respondent in WP (MD)No.
7205 of 2020

Prayer in WP (MD)No.7187 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondents herein from withholding or effecting any recovery from the petitioner's pension account PPO No.R0716773 and consequently to direct the respondents to continue the pension paid to the petitioner prior to February'2020.

Prayer in WP (MD). 7190 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus forbearing the respondents herein from withholding or



effecting any recovery from the petitioners pension account PPO No.C267003 and to consequently direct the respondents to continue the pension paid to the petitioner prior to february, 2020.

Prayer in WP(MD) . 7194 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus Calling upon records of the 3rd Respondent relating to proceedings dated 8.6.2020 in Na.Ka.No.728/2019/A1 and quash the same and to consequently forbear the Respondents from recovering any amount from the Petitioner's pension in furture .

Prayer in WP(MD) . 7205 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the Respondents herein from withholding or effecting any recovery from the Petitioners pension account PPO No.C267533 and to consequently direct the Respondents to continue the pension paid to the Petitioner prior to January, 2020.

Prayer in WP(MD) . 7206 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus forbearing the Respondents herein from withholding or effecting any recovery from the Petitioners pension account PPO No.268554 and to consequently direct the Respondents to continue the pension paid to the Petitioner prior to March, 2020.

Prayer in WP(MD) . 7222 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus forbearing the respondents herein fro withholding or effecting any recovery from the petitioners pension account PPO No.R1910419 and to consequently direct the respondents to continue the pension paid to the petitioner prior to March 2020 .

For Petitioners : Mr.P.Samuel Gunasingh for all WP's
For R1 : Mr.P.Gunasekaran for All WP's
For R2 and R3 : Mr.S.Angappan-GA for
WP(MD)Nos.7187,7206/2020

M/s.S.Srimathy,
Special Government Pleader in
WP(MD)Nos.7190/2020,7194/2020,
7122/2020

Mr.Mari Chelliah Prabhu , AGP
in WP (MD) Nos.7205/2020



COMMON ORDER

These Writ Petitions have been filed to forbear the respondents from recovering any amount from the petitioner's pension accounts and to direct the respondents to continue to pay the pension to the petitioners.

2.By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3.It is the case of the petitioners that recovery has been made unilaterally and without issuing any show cause notice and they have been orally instructed that pension was wrongly calculated based on the wrong calculation of the salary.

4.Since the recovery is being made without any notice, I am inclined to pass the following order:

(1)Insofar as W.P(MD)Nos.7187, 7190, 7205, 7206 & 7222 of 2020 are concerned, the respondents are directed to issue proper show cause notice to the petitioners in accordance with law.

(2)Insofar as W.P.(MD)No.7194 of 2020 is concerned, the impugned order passed by the third respondent, dated 08.06.2020 is quashed and the respondents are at liberty to issue proper show cause notice to the petitioner in accordance with law.

(3)It is made clear that all recovery will be subject to the outcome of the show cause proceedings.

(4)The petitioner should be heard, before passing any order, after issuing show cause notice to the petitioners.

5.Accordingly, W.P(MD)Nos.7187, 7190, 7205, 7206 & 7222 of 2020 are disposed of and W.P.(MD)No.7194 of 2020 is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Cmr

To

- 1.The Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.
- 2.The Director of Agriculture,
Chepauk, Chennai.
- 3.The Treasury Officer,
District Collectorate Campus,
Madurai.
- 4.The Assistant Treasury Officer
Aundipatti, Theni District.
- 5.The Treasury Officer,
District Treasury, Thoothukudi.

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