

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.1996 OF 2020

Date: 03.02.2020

Between:

V.Kesava Rao, s/o. Janakiramaiah,
Aged 83 years, occu:Retd.Addl.Divnl.Engineer,
R/o.H.No.9-1-108/3, TATA Char Compound,
Near St.Marys College, Secunderabad.

.... Petitioner

and

Telangana State Power Generation Corpn.Ltd.,
rep.by its Chairman & Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad and
another.

.... Respondents



The Court made the following:

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ORDER:

Petitioner retired from service in the year 1994 and is a pensioner. Alleging that in the revision of pension subsequent to Revised Pay Scales 2014 and 2018, his pension was erroneously fixed taking additional quantum of pension for consolidation and thereby, excess amount was paid to him than what he was entitled, letter dated 17.10.2019 was sent to petitioner demanding refund of the excess amount paid to him. Along with this letter, detailed statement is also enclosed. Petitioner responded to the said letter informing the competent authority about his stand on fixation of his pension in the Revised Pay Scales 2014 and 2018.

2. However, this Writ Petition is filed challenging the letter dated 17.10.2019 primarily on the ground that without notice and opportunity, straightaway decision was taken and asked the petitioner to remit the amount, and the same is *ex facie* illegal.

3. From the reading of the letter dated 17.10.2019, it appears that there was no prior information to the petitioner about the alleged wrong fixation of pension and calling upon him to submit his response, whereas amount of 6,16,317/- was directed to be remitted alleging that excess amount was paid.

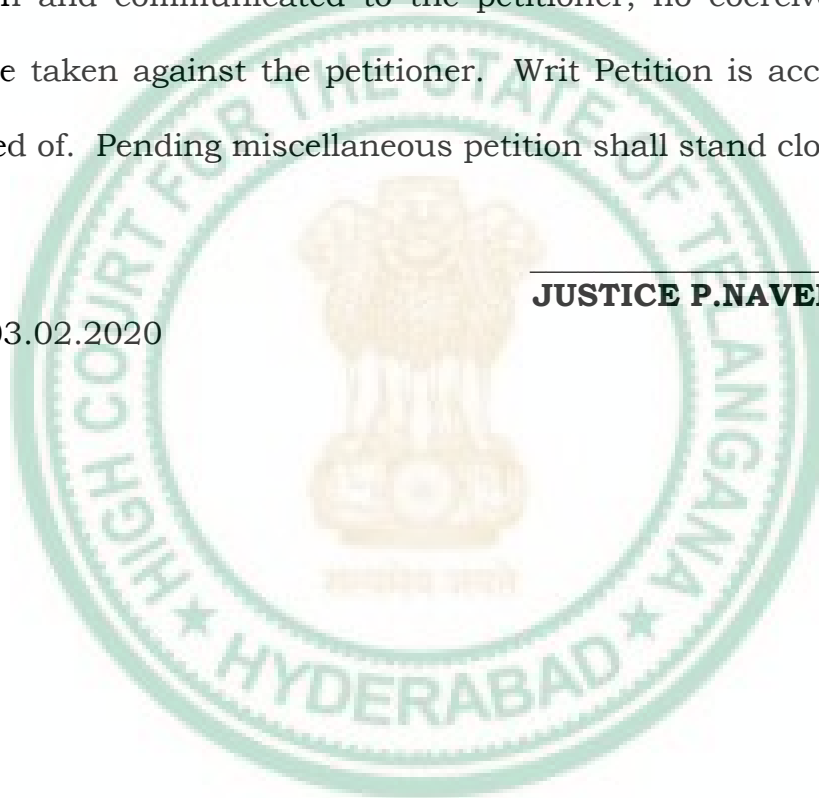
4. Even assuming that what is alleged in the said notice is true, such decision could not have been taken demanding the petitioner to refund the huge amount without putting him on notice as it would involve serious financial strain on the petitioner, being a

retired employee. Therefore, no such decision could have been taken sue-moto.

5. Thus, the letter dated 17.10.2019 is directed to be treated as provisional assessment of alleged excess payment of pension and respondents are directed to consider the explanation offered by the petitioner, acknowledged by the respondent Office on 21.11.2019, and take appropriate decision and pass orders as warranted by law and communicate the same to the petitioner. Until such decision is taken and communicated to the petitioner, no coercive action shall be taken against the petitioner. Writ Petition is accordingly disposed of. Pending miscellaneous petition shall stand closed.

Date: 03.02.2020
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JUSTICE P.NAVEEN RAO



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