



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

WEB COPY

CORAM
THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.24032 of 2008

M. Loganathan

... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Buildings (Construction & Maintenance) Division,
Dharmapuri - 5.

2. The Assistant Executive Engineer,
Public Works Department,
Building Construction Sub Division,
Dharmapuri - 5.

3. The Accountant General (A & E),
Tamil Nadu, Chennai - 600 018.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his Proceedings Ko.No.33/08, dated 11.08.2008, quash the same insofar it relates to recovery of Rs.78,914/- and consequently, direct the second respondent to disburse to the petitioner the sum of Rs.2,21,760/- towards the D.C.R.G. payable to the petitioner as per Gratuity payment order No.AG(A&E)/PEN/P15/4/L2-74/AR 2008-2009/4429, dated 09.06.2008 issued by the third respondent forthwith.

For Petitioners : Mr.R.Thamarai Selvan

For Respondent

Nos. 1 & 2 : Mr.C.Selvaraj
Government Advocate (Civil)

For Respondent No.3 : Mr.T.Ravi Kumar
Standing Counsel

O R D E R

The petitioner has challenged a recovery of Rs.78,914/-, which was paid in excess towards his salary.

2. The second respondent, in his Proceedings Ko.No.33/08, dated 11.08.2008, has recovered the sum of Rs.78,914/- and paid the balance of Rs.1,42,846.



3. When the matter is taken up for final hearing today, the learned counsel appearing for the third respondent would submit that even though the petitioner was not entitled to the salary in the post of Special Grade in Work Inspector Grade I, he was entitled to Special Grade in Grade II Post on 01.05.2006 in terms of G.O.No.250, Finance (CPC) Department, dated 21.03.1994. Therefore, there is no excess payment made to the petitioner. Hence, the third respondent has sent a letter of authority on 31.12.2008 to the second respondent, P.W.D., for disbursement of the recovered amount. If the recovered amount is paid, the prayer of the petitioner would be satisfied.

4. Since the third respondent has ordered sanction to the payment of recovered amount, a direction is given to the first and second respondent to disburse the recovered amount, if it is already not paid to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Public Works Department,
Buildings (Construction & Maintenance) Division,
Dharmapuri - 5.

2. The Assistant Executive Engineer,
Public Works Department,
Building Construction Sub Division,
Dharmapuri - 5.

3. The Accountant General (A & E),
Tamil Nadu, Chennai - 600 018.

+lcc to Mr.T.Ravikumar, Advocate, S.R.No. 33071
+lcc to the Government Pleader, S.R.No. 33935

W.P.No.24032 of 2008

JPL(CO)
GN(05/08/2021)