



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.6577 OF 2009

AND

M.P.NO.1 OF 2009

A.Rajalakshmi

... Petitioner

.Vs.

The Treasury Officer,
District Treasury,
Cuddalore.

... Respondent

PRAYER:- This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus to call for records relating to the order passed by the respondent in Sa.Mu.A.No.22332/08/F1 dated 31.03.2009 and quash the same thereby directing the respondent to re fix the pensionary benefits based on the G.O.Ms.449, dated 12.10.1999.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.S.Rajesh
Government Advocate

O R D E R

This petition is filed to issue a writ of certiorarified Mandamus to call for records relating to the order passed by the respondent in Sa.Mu.A.No.22332/08/F1 dated 31.03.2009 and quash the same thereby directing the respondent to re fix the pensionary benefits based on the G.O.Ms.449, dated 12.10.1999.

2. The learned counsel for the petitioner submits that the writ petition is filed challenging the recovery made from the petitioner after retirement of her husband. It is submitted that the petitioner's husband had passed away and the petitioner who is legal heir is being paid pension.

3. The present writ petition is filed pursuant to the orders passed in W.P.No.41422 of 2005, wherein it was directed by this Court that the recovery may be effected after putting the petitioner on notice. Though, the petitioner was served with the



notice on 20.03.2009 and the petitioner submitted her written objection on 30.03.2009, the impugned was passed by the respondent on the following day i.e., on 31.03.2009, re-fixing/reducing the pensionary benefits admissible to the petitioner. The grievance of the petitioner is that no effective opportunity was provided to the petitioner to put forth her objection as the impugned order was made in undue haste. It is submitted by the petitioner that the undue haste with which the impugned order is passed would show that the entire exercise was more of an empty formality and indicative of non-application of mind by the respondent to the issue while passing the impugned order.

4. Mr.S.Rajesh, learned Government Advocate appearing on behalf of the respondent submits that the recovery is in respect of the excess amount paid towards pension to the petitioner. He further submits that he has no serious objections for providing a fresh opportunity to put forth her objections.

5. In view of the above the respondent is directed to pass orders afresh after giving a reasonable opportunity to the petitioner and dispose the same within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations this writ petition stands disposed of. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smn

To

The Treasury Officer,
District Treasury,
Cuddalore.

+1cc to the Government Pleader, S.R.No.66215

W.P.NO.6577 OF 2009 AND
M.P.NO.1 OF 2009

GSM(CO)
PBS/19/01/2022