



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.172 of 2014 and  
M.P.No.2 of 2014

M.Krishnan

... Petitioner

Vs.

- 1.Audit Officer,  
O/o Director of Sericulture,  
Foulkes Compound, Anaaimedu,  
Salem.
- 2.Assistant Director of Sericulture,  
Grainage, Dinnur, Housur,  
Krishnagiri District.
- 3.Asst. Director of Sericulture,  
Kalukondapalli,  
Uliveeranapalli, Thally Road,  
Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings செ.மு. ka.No.466/A12 dated 23.09.2013 and consequential Memorandum Na.Ka.No.466/A/2012 dated 06.12.2013 passed by the second respondent herein and quash the same and further direct the respondents not to recover any amount from the petitioner's salary and to pass orders.

For petitioner : Mr.Subramani  
for Mr.K.M.Ramesh

For respondents : Mr.T.Arunkumar,  
Addl.Govt. Pleader  
for R1 to R3.

ORDER

This writ petition has been filed to quash the proceedings of the second respondent dated 23.09.2013 and 06.12.2013 and further direct the respondents not to recover any amount from the petitioner's salary.



2. The case of the petitioner in brief:

Originally the petitioner was appointed as watchman on 09.11.1987. Thereafter, he was appointed as Driver on 18.12.1998 and now, he is working as Selection Grade Driver in the third respondent's office. The Government has passed G.O.Ms.No.234 dated 01.06.2009, enhancing the salary to the drivers as Rs.5200-20200 + 2000 and the enhanced arrears amount will be paid from 01.01.2007. Subsequently, as per G.O.Ms.No.65 dated 26.02.2011, Grade Pay was enhanced from 2000 to 2400. The petitioner completed his Selection Grade on 19.12.2008 and hence, he is entitled to get one increment. Accordingly, his pay was fixed, as per proceedings dated 28.04.2011 and he is drawing his Selection Grade pay from 19.12.2008 onwards only.

2.1. That being so, the second respondent written a letter to the third respondent stating that, the first respondent while conducting auditing, found that, excess payment of Rs.51,300/- was paid to the petitioner and hence, the same has to be recovered from him in one lumpsum. The contention of the petitioner is that, all the drivers through out Tamil Nadu are getting Rs.5200-20200 + Grade Pay 2400 and arrears of pay from 01.01.2007. But, as far as the petitioner is concerned, the petitioner has not received Selection Grade Pay from 01.01.2007 to 18.12.2008 and his Grade pay was fixed only on 19.12.2008. Hence, the calculation for recovery of a sum of Rs.51,308/- is without application of mind. Though the petitioner has given representation to the second respondent, without considering the same, impugned order has been passed by the second respondent, directing the third respondent to recover the above said amount. Hence, this writ petition.

3. The learned Additional Government Pleader brought to the notice of this court that, the petitioner has executed a declaration dated 24.07.2019 in a Non-Judicial Stamp before the third respondent declaring that since the petitioner is going to retire on superannuation on 30.09.2019, any amount to be paid by the petitioner to the Department; or if any excess amount paid to the petitioner while re-fixing his Scale of pay, the same can be deducted from his retirement benefits and other benefits and the balance may be paid to him. Further, the petitioner himself has remitted the amount of Rs.51,308/- into the Government Account by way of Challan dated 02.08.2019. In view of the above, the petitioner was permitted to retire on superannuation on 30.09.2019 by the first respondent and entire retirement benefits have been settled to him by the respondents. To that effect, materials have also been placed before this court.

4. The above submission made by the learned Additional Government Pleader is recorded. Since the petitioner has not made any objection for recovery of the amount of R.51,308/- and he himself made declaration before the respondent and also



remitted the amount of Rs.51,308/- to the Government, no further adjudication is required in this writ petition.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mst

To

- 1.Audit Officer,  
O/o Director of Sericulture,  
Foulkes Compound, Anaimesu,  
Salem.
- 2.Assistant Director of Sericulture,  
Grainage, Dinnur, Housur,  
Krishnagiri District.
- 3.Asst. Director of Sericulture,  
Kalukondapalli,  
Uliveeranapalli, Thally Road,  
Krishnagiri District.

+1cc to Mr.K.M.Ramesh, Advocate SR. No.60838

+1cc to Government Pleader, SR. No.61085

W.P.No.172 of 2014 and  
M.P.No.2 of 2014

VGII (CO)  
PR (15/12/2021)