

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.18023 of 2014

S.Anbanandham ... Petitioner
Vs

1. The Head Master,
Government Higher Secondary School,
Ammaiyappan - 613 701,
Thiruvavarur District.
2. The Chief Educational Officer,
Thiruvavarur,
Thiruvavarur District.
3. Accountant General,
Office of the Principle Accountant General,
(Accounts and Entitlements) Tamil Nadu,
No.361, Anna Salai, Chennai - 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to return back the deducted amount a sum of Rs.74,687/- along with arrears of Grade pay a sum of Rs.12,789/- as per the Petitioner's representation dated 19.06.2014.

For Petitioner	: Mr.M.Thamizhavel
For R1 & R2	: Mr.C.Munusamy, Spl.GP
For R3	: Ms.Sangamithirai

ORDER

The prayer made in this Writ Petition is to direct the first respondent to return back the deducted amount of Rs.74,687/- along with arrears of Grade pay of Rs.12,789/- as per the Petitioner's representation dated 19.06.2014.

2. Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that as per Government Letter No.144893/CMPC/2011-1, Finance (Pay Cell) Department, dated 05.01.2012, the petitioner is entitled to claim pay in the scale of pay Rs.9300-34800+4800, but mistakenly his pay was fixed in scale of Rs.15600-39100+5400; at the time of scrutinising the

pension application of the petitioner, the erroneous fixation was found by the third respondent and necessary instructions were given in the Letter No.A.G.(A & E) PEN/P18/119-9488/3/R1808488/191, dated 07.07.2012 to the first respondent to rectify the defects; accordingly, the excess amount paid to the petitioner was calculated by the first respondent and it was properly communicated to the petitioner vide R.C.No.85/2012, dated 21.08.2012 of the first respondent; consequently, the petitioner remitted the excess amount into the Government account on 24.09.2012 at Sub-Treasury, Thiruvavarur, which is in accordance with law and hence, the same warrants no interference by this Court.

3. Today, when the matter was taken up for consideration, the learned counsel appearing for the respondents, on instructions, submitted that subsequent filing of this writ petition, the petitioner's relief was granted by the respondents vide in letter No.10/11026842, dated 22.10.2019 and hence, nothing survives for the adjudication.

4. Refuting the above said submission made by the Special Government Pleader, the learned counsel for the petitioner sought liberty to the petitioner to approach the authority concerned with a fresh representation as regards the remaining amounts to be payable to him, if any, for which there is no serious objection on the side of the respondents.

5. Considering the facts and circumstances of this case and having regard to the submissions now made by the learned counsel on either side, this Court permits the Petitioner to send a fresh representation along with a copy of this order to the Respondents within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the Respondents shall consider the representation made by the Petitioner and pass appropriate orders, on merits in accordance with law within a period of six weeks thereafter.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Head Master,
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Ammaiyappan - 613 701,
Thiruvarur District.
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Thiruvarur,
Thiruvarur District.
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+1cc to Mr.M.Tamizhvel, Advocate SR.No. 1098
+1 cc to Government Pleader Sr.No. 1606

W.P.No.18023 of 2014

A.SK(30.03.2021)