

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1158 of 2020

B.Shanmukham

...Appellant

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Home (Police 18 Department)
Fort St.George, Chennai 9

2.The Director,
Forensic Sciences Department,
Mylapore, Chennai 4

3.The Accountant General,
(Accountant and Entitlement)
No.361, Anna Salai,
Chennai 18

...Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 11.11.2020 passed in W.P.No.18910 of 2010.

Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the 1st respondents order made in G.O.(2D) 158 Home (police 18) Department dated 31.03.2009 and the 2nd respondent's proceedings made in PRO No.A5/40577-A/2009 dated 08.07.2009, to quash the same and consequently, direct the respondents 1 to 3 to revise and refix the pension and other benefits by treating the period of superannuation as 31.03.2009, instead of 30.06.2007 and to extend all service and monetary benefits forthwith.

For Appellant

:: Ms.N.R.Jasmine Padma

the judgment and order impugned dated 14.08.2020 writ petition has been dismissed. But the amount of Rs. 27,836/- was required to be deducted from the salary of the appellant commencing January, 2021. The appellant says that the part of Rs. 27,836/- should have been set aside.

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the judgment and order impugned dated 14.07.2020 writ petition has been dismissed. But the amount of Rs. 36/- is directed to be recovered from the petitioner commencing January, 2021. The appellant is aggrieved by the order and says that the part of Rs. 36/- of the employer to recover the perceived loss of Rs. 36/- should have been set aside.

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against the appellant's monthly salary which was in excess of Rs.12,000/-. Considering the paltry amount that was directed to be recovered from the appellant against the virtually unquestionable position that the appellant worked for nearly two years in excess of the appellant's entitlement and drew substantial salary therefor, the judgment and order impugned cannot be faulted. At any rate, the pill was made easier to swallow, so to say, by permitting the deduction to be made in installments.

6. There is no merit in the appeal and the judgment and order dated November 11, 2020 do not warrant any interference. W.A.No.1158 of 2020 is dismissed. There will be no order as to costs. Consequently, C.M.P.No.14273 of 2020 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary,
Home (Police 18 Department)
Fort St.George, Chennai 9

2.The Director,
Forensic Sciences Department,
Mylapore, Chennai 4

3.The Accountant General,
(Accountant and Entitlement)
No.361, Anna Salai,
Chennai 18

+1cc to Mr.L. Chandrakumar, Advocate, S.R.No.10157

+1cc to the Government Pleader, S.R.No.10074

NSN11(CO)
SM/04/03/2021

W.A.No.1158 of 2020