



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.03.2021
CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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W.P. (MD) No.8368 of 2016

S.Thachinamoorthy ... Petitioner
versus

1. The District Elementary Educational Officer,
Ramanathapuram District,
Ramanathapuram.
 2. The Assistant Elementary Educational Officer,
Paramakudi - 623 707,
Paramakudi Taluk,
Ramanathapuram District.
 3. The Treasury Officer,
Ramanathapuram District,
Ramanathapuram.
- ... Respondents

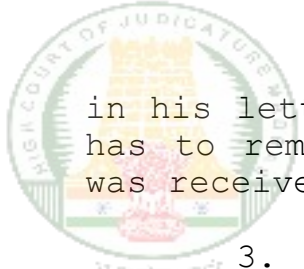
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to disburse the retirement benefits to the petitioner as sanctioned by the Accountant General, Chennai, in his letter dated 09.01.2016 within a time to be framed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For Respondents	:	Mrs.S.Srimathy, Special Government Pleader

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the respondents to disburse the retirement benefits to the petitioner as sanctioned by the Accountant General, Chennai, in his letter dated 09.01.2016 within a time to be framed by this Court.

2. The case of the petitioner is that he was working as Full Time Craft Teacher in the Emaneswaram Municipal Middle School, Paramakudi Taluk, Ramanathapuram District and he retired from service on 31.05.2015. After his retirement, the Assistant Elementary Educational Officer, Paramakudi sent pension proposals to the Accountant General, Chennai. The Accountant General, Chennai, in his letter dated 09.01.2016, has sanctioned his retirement benefits. However, the same has not been disbursed till date. While so, the Assistant Elementary Educational Officer, Paramakudi,



in his letter dated 07.04.2016, has informed the petitioner that he has to remit a sum of Rs.5,43,713/- towards an excess amount that was received while re-fixation of his salary as on 01.01.2006.

3. According to the petitioner, as per the dictum of the Hon'ble Supreme Court and this Court, no recovery can be effected from the retirement benefits on the ground of wrong fixation of pay while the employee was in service and therefore, it is not proper to withhold the retirement benefits sanctioned by the Accountant General, Chennai, on the ground of excess payment of salary during his service. Further, he has no objection for re-fixation of his pay as per his eligibility. Hence, he made a representation dated 18.04.2016 to the respondents for early disbursement of his retirement benefits as sanctioned by the Accountant General, Chennai, his letter dated 09.01.2016. However, till date, no benefits were disbursed to the petitioner. Therefore, the present writ petition has been filed.

4. The first respondent filed a counter affidavit stating that as per the Admissibility Report of the Principal Accountant General, the petitioner has received an excess amount of Rs.5,43,713/- on wrong fixation of pay, instead of the fixed pay of Rs.2,915/-. Therefore, the second respondent, vide his proceedings dated 07.04.2016, informed the petitioner to remit the excess amount that he received a sum of Rs.5,43,713/-. After remitting the said amount, they will enable to send his revised pension proposal and thereby, he will get his pension benefits early.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Admittedly, the facts of the present case are not in dispute. The petitioner was serving as Full Time Craft Teacher in the Emaneswaram Municipal Middle School, Paramakudi Taluk, Ramanathapuram District and he retired from service on 31.05.2015. It is the claim of the petitioner that the Accountant General, Chennai, in his letter dated 09.01.2016, sanctioned his retirement benefits. According to the respondents, the second respondent, in his letter dated 07.04.2016, informed the petitioner that he has to remit the excess amount of Rs.5,43,713/- while re-fixation of his salary as on 01.01.2006. It appears that the petitioner has no objection for re-fixing his pay as per his eligibility.

7. In view of the above, this Court directs the respondents to implement the order dated 09.01.2016 after re-fixing the petitioner's pay as per his eligibility and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

To

1. The District Elementary Educational Officer,
Ramanathapuram District,
Ramanathapuram.
2. The Assistant Elementary Educational Officer,
Paramakudi - 623 707,
Paramakudi Taluk,
Ramanathapuram District.
3. The Treasury Officer,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-15023[F] dated 01/04/2021)

W.P. (MD)No.8368 of 2016
30.03.2021

SE (CO)
KB(21.04.2021) 3P 5C