



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)NO.11225 OF 2017

and

W.M.P(MD)Nos.8610 and 16841 of 2017

S.Panneerselvam

:Petitioner

.vs.

- 1.The Branch Officer,
Office of the Principal Accountant General(A&E) Tamil Nadu,
Chennai-18.
- 2.The Treasury Officer,
Thanjavur.
- 3.The Assistant Treasury Officer,
Kumbakonam.
- 4.The Divisional Engineer,
Highways,
Construction and Maintenance,
Thanjavur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records connected with the impugned order of recovery passed by the first respondent in No.P14/4/11411988/PPO, dated 10.1.2017 and to quash the same and consequently to direct the first respondent to restore the original pension .

For Petitioner : Mr.S.Govindan

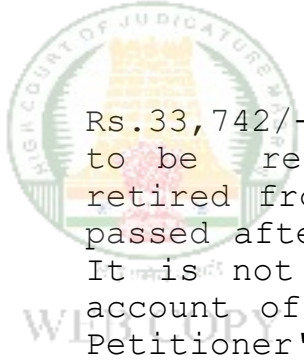
For Respondent-1 : Mr.P.Gunasekaran

For Respondents : Mr.S.Sades Kumar
2 to 4 Addl.Govt.Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order or recovery passed by the first respondent, dated 10.1.2017 and consequently, to direct the first respondent to restore the original pension.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The impugned order, dated 10.1.2017 is an order for recovery of a sum, which according to the respondent, was paid in excess of the amount for which the Petitioner is eligible. A sum of



Rs.33,742/- towards DCRG and a further sum of Rs.31,618/- was sought to be recovered from the Petitioner. Admittedly, the Petitioner retired from service on 31.03.2007 and the order of recovery is passed after a period of ten years from the date of superannuation. It is not stated anywhere that the recovery was sought for on account of any default or suppression of facts by involving the Petitioner's conduct.

3.In such circumstances, the recovery sought for, at this length of time, is arbitrary and contrary to the laws laid down by the Honourable Supreme Court in several proceedings. However, it is open to the first respondent to proceed with the revision of pension after issuing notice to the Petitioner and by following the due procedure in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

4.Accordingly, the Writ Petition is partly allowed and the impugned order in relation to the recovery is quashed. However, liberty is given to the first respondent to revise the rate of pension, if it is permissible in law, after following the due procedure prescribed by law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

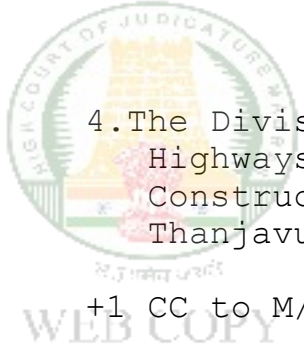
vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Branch Officer,
Office of the Principal Accountant General (A&E) Tamil Nadu,
Chennai-18.
- 2.The Treasury Officer,
Thanjavur.
- 3.The Assistant Treasury Officer,
Kumbakonam.



4.The Divisional Engineer,
Highways,
Construction and Maintenance,
Thanjavur.

+1 CC to M/s.SPL. GP (SR-29591[F] dated 20/09/2021)

W.P (MD) NO.11225 OF 2017
and
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16.09.2021

RD(24.09.2021) 3P 6C