



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

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

W.P. (MD)No.24209 of 2017

and

W.M.P. (MD) .Nos.20318 & 20319 of 2017 and 5408 of 2018

WEB COPY

J.Lizzie Bai

.. Petitioner

Vs.

1.The Accountant General,
Office of the Principal Accountant General (Accounts& Entitlement),
Tamilnadu, Annasalai,
Chennai-10.

2.The Sub Treasury Officer,
Sub Treasury Office, Vilavancode,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from making any further deductions from the pension payable to petitioner vide Pension Pay Order PPO.No.C113688/EDG and consequently direct the respondents to refund the entire amount deducted along with interest and credit the same to the petitioner's Bank Account No.11014071963 of State Bank of India, Kuzhithurai Branch, Kanyakumari District within a time frame that may be stipulated by this Court.

For Petitioner

: Mr.C.Herold Singh

For Respondents

: Mr.P.Gunasekaran
for R1

Mr.D.Muruganantham
Additional Government Pleader
for R2

O R D E R

This petition has been filed, seeking to forbear the respondents from making any further deductions from the pension payable to petitioner vide Pension Pay Order PPO.No.C113688/EDG and consequently direct the respondents to refund the entire amount deducted along with interest and credit the same to the petitioner's



Bank Account No.11014071963 of State Bank of India, Kuzhithurai Branch, Kanyakumari District within a time frame.

2. The case of the petitioner is that she joined in the Education Department as a teacher in the year 1972 and she was permitted to retire from service on attaining the age of superannuation in the year 2011 and at the time of retirement, she was working as Secondary Grade Teacher. After retirement, she was receiving pension as per Pension Payment Order bearing PPO.No.C113688/EDG. The petitioner was receiving a sum of Rs.24,547/- towards monthly pension during October, 2017. However, from November, 2017 onwards about more than Rs.10,000/- payable to the petitioner was considerably reduced and a sum of Rs.13,977/- alone is being credited to the petitioner's account as monthly pension. On verification, it is informed that the petitioner was paid excess amount of Rs.4,35,411/- in her pension and the said amount sought to be recovered. Hence, the petitioner made a representation on 15.12.2017 to the respondents for the above said relief. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that without any intimation and without passing any recovery order, unilaterally, the respondents started deducting the amount from the monthly pension of the petitioner is not sustainable one. Hence, he would further submit that it would suffice, if the representation of the petitioner dated 15.12.2017 is disposed of by the respondents at the earliest and a direction may be issued to the respondents in this regard.

4. Learned Additional Government Pleader appearing for the respondents would submit that the fact in the present case is not disputed and further, after issuance of the show cause notice, the recovery was made. Hence, the recovery of the excess amount paid to the petitioner's account is perfectly valid.

5. Considering the facts and circumstances, admittedly, the petitioner was retired from service in the year 2001 and in the month of November 2017, recovery was commenced. Though the counter is filed however, there is no averment with regard to the recovery order and unilaterally, the respondents are deducting the amount from the petitioner's pension is not permissible. In this regard, this Court has already granted an interim order in the year 2018. In view of the above, the petitioner is entitled for the relief sought for in the present writ petition. Hence, the respondents are directed not to recover any further amount from the petitioner's pension. However, liberty is granted to the respondent to pass fresh orders by considering the petitioner's representation dated 15.12.2017, after hearing the petitioner with regard to the recovery and after complying the principles of natural justice.



6. With the above condition, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

PJL

To

1.The Accountant General,
Office of the Principal Accountant General (Accounts& Entitlement),
Tamilnadu, Annasalai,
Chennai-10.

2.The Sub Treasury Officer,
Sub Treasury Office, Vilavancode,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9361[F] dated 08/03/2021)

+1 CC to M/s.SPL GP (SR-9493[F] dated 08/03/2021)

**W.P. (MD) .No.24209 of 2017
05.03.2021**

GS (04.05.2021) 3P 5C