



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10216 of 2022

and

W.M.P.Nos.9919 & 9920 of 2022

Ponmozhi Gokulanathan

... Petitioner

vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Secretariat, Fort St.George,
Chennai - 600 009.

2.Office of the Accountant General
(A&E), Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.

3.Pension Pay Officer,
Fisheries Office Road,
Fanepet, Nandanam,
Chennai - 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings of the 2nd respondent in Proceedings PEN.11/U.No.II/PPO.No.C625242/SCN/21-22 dated 21.10.2021 and the consequential proceedings Na.Ka.No.1163/2022/H3 dated 11.02.2022 issued by the 3rd respondent and to quash the same.

For Petitioner : Mr.R.Subramanian

For R1 & 3 : Mr.S.Prabhakaran
Government Advocate

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



WEB GATE

2. This writ petition has been filed seeking to issue a Writ of Certiorari, to quash the proceedings of the 2nd respondent in PEN.11/U.No.II/PPO. No.C625242/SCN/21-22 dated 21.10.2021 and the consequential proceedings Na.Ka.No.1163/2022/H3 dated 11.02.2022 issued by the 3rd respondent and to quash the same.

3. The case of the petitioner in brief:

The petitioner herein was working as Selection Grade Lecturer in Bharathi Women's College, Chennai, and she retired from service on 31.03.2007. At the time of retirement, her pay was Rs.18,720/- and a sum of Rs.13,725/- was sanctioned as pension. The first respondent issued an order in G.O.Ms.No.350 dated 09.09.2009, revising the scales of pay for teachers and equivalent cadres in Universities and Government/ Government aided colleges governed by UGC. Based on the aforesaid Government order, the 2nd respondent vide proceedings dated 02.10.2010, has revised the petitioner's pension to Rs.34,800/-

3.1. Thereafter, the second respondent has sent a proceedings dated 21.10.2021 to the petitioner stating that the revision of pension has been erroneously approved as Rs.34,800/- instead of Rs.27,795/- and calling upon the petitioner to submit her objection. Therefore, the petitioner submitted a representation to the 2nd respondent on 23.11.2021 along with necessary documents stating that the pension was approved by the Accountant General's office. However, the 3rd respondent issued a proceedings dated 11.02.2022 stating that an excess amount of Rs.28,80,214/- had been paid as pension and the same has to be refunded. The petitioner submitted a reply dated 28.02.2022, requesting to provide a copy of worksheet. But but the third respondent neither provided worksheet nor conducted enquiry, per contra, recovered an amount of Rs.60,000/- per month in February and March 2022. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation to the 2nd respondent on 28.02.2022, requesting to deduct a sum of Rs.10,000/- per month from March 2022, as per the Pension Payment Rules and also to provide a copy of worksheet, otherwise provide an audience/enquiry in this regard. He further submitted that the above said representation is still pending before the third respondent and hence, the third respondent may be directed to pass orders on the petitioner's representation.

5. Mr.S.Prabhakaran, learned Government Advocate takes notice for the respondents 1 and 3 would submit that, the said representation submitted by the petitioner will be considered by the authorities concerned and appropriate orders will be passed on merits and in accordance with law.



6. In the light of the above submissions and to meet the ends of justice, this Court is inclined to pass the following orders.

i) The third respondent is directed to consider the petitioner's representation dated 28.02.2022 and to pass appropriate orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

ii) It is needless to say that the third respondent shall provide an opportunity to the petitioner before passing the final order and till such time, the third respondent shall not recover any amount from the petitioner's pension.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ata/mst

To

- 1.The Secretary,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Accountant General (A&E), Tamil Nadu,
O/o the Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.
- 3.Pension Pay Officer,
Fisheries Office Road,
Fanepet, Nandanam,
Chennai - 600 035.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.29324
+1cc to the Government Pleader, S.R.No.29405

W.P.No.10216 of 2022

SSD(CO)
SB(30/05/2022)