



WEB COPY



W.P. No.28146 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.28146 of 2022

and

W.M.P. No.27437 of 2022

P. Thiagarajan

... Petitioner

Vs.

1. The Accountant General (A & E),
361, Anna Salai,
Teynampet,
Chennai – 18.

2. The Treasury Officer,
Nandanam,
Chennai District – 600 035.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records relating to the proceedings of the 2nd respondent in Na.KaNo.6718244/2022/J2, dated Nil/10/2022 and quash the same and to consequently forbear the respondents 1 and 2 from withholding or effecting any recovery from the petitioner's pension for future months.

For petitioner : Mr.Swarnam J. Rajagopalan

For respondents : Ms.J. Sreevidhya for R1

Mr.V. Ravi, Spl. Govt. Pleader for R2



W.P. No.28146 of 2022

ORDER

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

2. Ms. J. Sreevidhya, learned counsel accepts notice for the 1st respondent and Mr.V. Ravi, learned Special Government Pleader accepts notice for the 2nd respondent.

3. The petitioner has challenged the impugned show cause notice dated Nil/10/2022 calling upon the petitioner to pay the excess payments made to him, which amounts to Rs.3,87,693/-.

4. Heard Mr.Swarnam J. Rajagopalan, learned counsel for the petitioner, Ms. J. Sreevidhya, learned counsel accepts notice for the 1st respondent and Mr.V. Ravi, learned Special Government Pleader accepts notice for the 2nd respondent. .

5. According to the petitioner, he retired from service in the year 2008 itself. However by a non speaking order, he has been called upon to pay the excess payments as referred to supra under the impugned show cause notice. Being a show cause notice, this Court cannot entertain this writ petition at this stage. However the interest of the petitioner will have to be protected till final orders are passed by the respondents pursuant to the impugned show cause notice in view of the fact that the petitioner



W.P. No.28146 of 2022

categorically contends that he is not liable to pay the said amount as he has retired from service in the year 2008 itself. Further, as noticed from the impugned order that it is a non speaking order and being a sum claimed after a long lapse of time, the petitioner ought to be given sufficient opportunity of hearing.

6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a reply to the impugned show cause notice, within a period of one week from the date of receipt of a copy of this order. On receipt of the said show cause notice, the 2nd respondent shall pass final orders on merits and in accordance with law after affording one personal hearing to the petitioner, within a period of eight weeks, thereafter. Till final orders are passed, the respondents shall not take any coercive steps against the petitioner pursuant to the impugned show cause notice.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



WEB COPY



W.P. No.28146 of 2022

ABDUL QUDDHOSE, J.

vsi2

To :

1. The Accountant General (A & E),
361, Anna Salai,
Teynampet,
Chennai – 18.

2. The Treasury Officer,
Nandanam,
Chennai District – 600 035.

W.P. No.28146 of 2022

26.10.2022