



WEB COPY



W.P.No.32113 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32113 of 2017

and

W.M.P.No.35259 of 2017

J.Geetha

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to the Government,
Finance (CMPC) Department,
Fort St.George,
Chennai – 600 009.

2. The Chief Educational Officer,
Vellore,
Vellore District.

3. The Headmaster,
Government Boys Higher Secondary School,
Odugathur, Vellore District.

4. The Principal Accountant General (A & E)
Tamil Nadu,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India



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praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Government Letter No.66858/CMPC/2013-2 dated 22.08.2014 and the order of the third respondent in Na.Ka.No.25/2017 dated 12.07.2017 and quash the same and direct the respondents to grant him the Grade Pay of Rs.5400/- in the selection grade post of vocational instructor with effect from 01.01.2006 and grant him all consequential benefits including refund of Rs.83,050/- recovered from the petitioner with interest.

For Petitioner	: Mr.P.Mohanraj
For Respondents	:
For R1	: Mr.M.Rajendiran Additional Government Pleader
For R2	: Mrs.S.Mythreye Chandru Special Government Pleader
For R4	: V.Murali

ORDER

The order of cancellation of re-fixation and consequential recovery are under challenge in the present writ petition.

2. The petitioner was appointed as Vocational Teacher on 01.04.1990 and retired from service on 30.09.2012 as Vocational Instructor (Special Grade). The revision of scale of pay was fixed to the writ petitioner, pursuant to the Government Orders inforce notionally with effect from 01.01.2006 with monetary monetary benefits from 01.04.2013.

3. It is not in dispute that the pay was revised notionally with effect



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from 01.01.2006 and the petitioner had received the monetary benefits from 01.04.2013. However, the authorities raised an objection regarding the revision of pay and issued the impugned order canceling the fixation and imposing recovery of the excess salary paid to the writ petitioner from 01.04.2013. Subsequently, the petitioner submitted a representation pointing out the error in the order of cancellation.

4. The claim of the writ petitioner was accepted by the said Department including the Principal Accountant General of Tamil Nadu and a revised order was passed confirming the re-fixation done in favour of the writ petitioner notionally with effect from 01.01.2006 with monetary monetary benefits from 01.04.2013. Now, the order impugned was canceled and the benefits originally granted to the writ petitioner was restored.

5. However, the learned counsel for the respondents also made a submission that the original revision effected in favour of the writ petitioner was restored and thus, the grievances of the petitioner was redressed. But the learned counsel for the petitioner made a submission that the recovery already made is to be reimbursed in favour of the writ petitioner.



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6. This Court is of the considered opinion that the original revision of scale of pay granted to the writ petitioner notionally with effect from 01.01.2006 with monetary benefits from 01.04.2013 has already been restored during the pendency of the writ petition and therefore, the alleged excess amount recovered from the petitioner is to be reimbursed to the petitioner. Accordingly, the respondents are directed to return the recovered amount pursuant to the impugned order, within a period of eight weeks from the date of receipt of a copy of this order.

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

29.09.2022

Index:Yes
Internet:Yes
Speaking order
rgm/ssr

To



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S.M.SUBRAMANIAM, J.



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