



W.P.(MD).No.1151 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1151 of 2020

and

W.M.P.(MD).Nos.911 and 11988 of 2020

K.Jeeva

... Petitioner

VS.

- 1.The Principal Secretary,
Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus,
Chennai 35.
- 2.The Principal Accountant General (A & E) Tamil Nadu
No.361, Anna Salai,
Chennai -18.
- 3.The Commissioner of Agriculture,
Chepauk,
Chennai -5.
- 4.The Treasury Officer,
Sivagangai District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the recovery letter issued by the 4th respondent vide Pdl.No.86/2019/G3 dated 31.10.2019 and quash the same as illegal and consequently direct the 2nd respondent to refix the petitioners pension to Rs.23050/- in the pay band of Rs.37400/- + G.P. 8700/- as per the G.O.Ms.No.448, dated 31.12.2010 and also direct the 4th respondent to repay the amount of Rs.57,346/- which was recovered from the petitioner's pension.

For Petitioner : Mr.S.Arivalagan

For R1, R3 & R4 : Mr.G.V.Vairam Santhosh

For R2 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed challenging the impugned proceedings of the recovery letter issued by the 4th respondent vide Pdl.No.86/2019/G3, dated 31.10.2019 and to quash the same and consequently direct the 2nd respondent to refix the petitioner's pension to Rs.23050/- in the pay band of Rs.37400/- + G.P.8700/- as per the G.O. (Ms.)No.448, dated 31.12.2010 and also direct the 4th respondent to



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repay the amount of Rs.57,346/- which was recovered from the petitioner's pension.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a pensioner. He received pension from the respondents. All of a sudden, the fourth respondent has issued the impugned show cause notice on 31.10.2019, on the ground that excess pension was paid to the petitioner from 01.10.2017 to 30.09.2019. Without conducting an enquiry in terms of Pension Rule, they deducted a sum of Rs.18,000/- from the petitioner's pension. However, the said recovery was stopped due to interim stay granted by this Court. He would further submit that without conducting enquiry in terms of Pension Rule, deducting the amount from the petitioner's pension is illegal and this Court may issue a direction to the fourth respondent to conclude the enquiry in terms of Pension Rule and pass appropriate orders, after affording sufficient opportunity to the petitioner.



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3. The learned counsel appearing for the respondents 1, 3 and 4 would submit that though the impugned notice is only show cause notice, deducting the said amount from the petitioner's pension is not sustainable one. Hence, this Court may permit the fourth respondent to conclude the enquiry.

4. Heard the leaned counsel for the petitioner, learned counsel appearing for the respondents 1, 3 and 4 and the learned counsel appearing for the second respondent.

5. In view of the consent view expressed by the learned counsel for the petitioner, this Court, without interfering with the impugned show cause notice, directs the fourth respondent to conclude the enquiry proceedings in terms of Pension Rule and pass appropriate orders, on merits and in accordance with law, after affording sufficient opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the interim stay granted by this Court is to continue.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No

Internet: Yes/No

akv

To

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M.DHANDAPANI,J.

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