



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3953 of 2022

and

W.M.P (MD)No.3397 of 2022

R.Jeyaseelan

... Petitioner

Vs.

1. The Principal Secretary,
Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus,
Chennai-35.

2. The Commissioner of Agriculture,
Chepauk,
Chennai-5.

3. The Treasury Officer,
Sivagangai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the recovery letter issued by the 3rd respondent vide Na.Ka.125/2022/G 1-7 dated 19.01.2022 and quash the same as illegal and consequently, direct the 1st respondent to refix the petitioner's pension as Rs.23050/- in the pay band of Rs.37400/- Plus G.P. 8700/- as per the G.O.Ms.No.448 dated 31.12.2010.

For Petitioner

: Mr.S.Arivalagan

For R1 to R3

: Mr.M.Ramesh

Government Advocate

ORDER

The impugned order of recovery dated 19.01.2022 was issued by the District Treasury Officer, Sivagangai to recover the excess pension paid to the writ petitioner.



2.The learned counsel for the petitioner reiterated that no show cause notice was issued or opportunity was granted to the writ petitioner.

3.Any order affect the rights of the employee, must be passed only after providing an opportunity and therefore, the order impugned is in violation of the principles of natural justice.

4.Thus, the order impugned passed by the third respondent in proceedings No.Na.Ka.125/2022/G 1-7 dated 19.01.2022 is hereby quashed and the matter is remanded back to the third respondent for fresh consideration. The third respondent is directed to issue show cause notice to the writ petitioner setting out all the facts and details within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to submit his representation/objection within a period of two weeks from the date of issuance of the show cause notice and thereafter, the third respondent shall consider the issue on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

5.With these directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary,
Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus,
Chennai-35.
2. The Commissioner of Agriculture,
Chepauk,
Chennai-5.
3. The Treasury Officer,
Sivagangai District.



+1 CC to M/s.SPL GP (SR-14915[F] dated 28/03/2022)

W.P. (MD) No. 3953 of 2022
24.03.2022

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