



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6367, 6369 & 6374 of 2021

and

W.M.P. (MD) Nos.4965, 4966, 4968, 4969, 4972,
4974, 9500, 9514 & 7490 of 2021

W.P. (MD) Nos.6367 & 6369 of 2021 :-

Dhanapal ... Petitioner
in W.P. (MD) No.6367/2021

Arularasi ... Petitioner
in W.P. (MD) No.6369/2021

-vs-

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thanjavur.

2.The District Educational Officer,
Thanjavur.

3.The Block Educational Officer,
Unit No.II,
Papanasam, Thanjavur District.

4.The Secretary,
Kasimiya Dawood Middle School,
Rajagiri, Thanjavur District. ... Respondents in both WPs

Prayer in W.P. (MD) Nos.6367 & 6369 of 2021 :- Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2019 and quash the same as illegal and unconstitutional.

W.P. (MD) No.6374 of 2021:-

Navamani ... Petitioner



-vs-

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thanjavur.

2.The District Educational Officer,
Thanjavur.

3.The Block Educational Officer,
Unit No.I,
Papanasam, Thanjavur District.

4.The Correspondent,
St. Sebastian Middle School,
Papanasam, Thanjavur District.

... Respondents

Prayer in W.P.(MD) No.6374 of 2021 :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2020 and quash the same as illegal and unconstitutional.

In all W.Ps.

For Petitioner : Mr.B.Jameel Arasu
For RR1 to 3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
Respondent-4 : Tapal Due

COMMON O R D E R

The orders of recovery, dated 30.12.2019 and 30.12.2020 are under challenge in the present writ petitions.

2.The petitioners are working as Secondary Grade Teachers. The 3rd respondent issued the impugned recovery proceedings stating that at the time of grant of arrears of pay based on the Government Orders, excess payment has been made on account of erroneous fixation and calculation by the Establishment. Thus, the impugned orders have been passed to recover the excess payment.

3.Fixation of pay or correction of error in the pay shall be rectified at any point of time by the competent authorities. In the present case, the learned Additional Government Pleader brought to the notice of this Court that at the time of fixation of grant of pay, all the petitioners have given undertakings in the official records that in the event of any excess payment, if identified in future, the same shall be recovered from them. In respect of



therein have given undertakings.

4.The learned Additional Government Pleader states that the petitioners in the said writ petitions and the present writ petitions are serving under the administrative control of the District Educational Officer, Thanjavur. Therefore, the said order in the above writ petitions is to be followed.

5.In view of the fact that the petitioners have given undertakings in the official records that in the event of any excess payment, the same shall be recovered by the competent authorities, this Court is of the considered opinion that the petitioners are not entitled for any relief and there is no infirmity as such in respect of the orders of recovery. The authorities competent are bound to correct the errors or mistakes in fixation of pay, and pay as admissible to the petitioners in accordance with the pay rules.

6.With the above observations, these Writ Petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO

- 1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thanjavur.
- 2.The District Educational Officer,
Thanjavur.
- 3.The Block Educational Officer,
Unit No.II,
Papanasam, Thanjavur District.
- 4.The Secretary,
Kasimiya Dawood Middle School,
Rajagiri, Thanjavur District.



W.P.(MD) Nos.6367, 6369 & 6374 of 2021

+1 CC to M/s.SPL GP (SR-9724[F] dated 03/03/2022)

W.P. (MD) Nos.6367, 6369 & 6374 of 2021
02.03.2022

NA (CO)

KB(11.03.2022) 4P 6C