



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.2220 of 2019
and
WMP(MD)No.1770 of 2019

S.Amir Ibrahim

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai)Ltd.,
Madurai Division No.1,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamilnadu State Transport Corporation (Madurai)Ltd.,
Madurai Division No.1,
Bye Pass Road,
Madurai 625 010

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order issued by the 1st respondent in Tha Aa Poo ka / Madurai / Va Vai Ni dhi 5/Pi Pi Vo 2021, dated 23.01.2019 and quash the same.

For Petitioner :Mr.B.Jameel Arasu

For R1 & R2 :Mr.PJ.Senthil Kumariah

O R D E R

The order impugned issued by the first respondent in proceedings dated 23.01.2019 regarding the revision of pension and recovery is under challenge.

2. However, the learned counsel for the petitioner confines the relief with reference to the recovery. The ground raised is that the recovery has been issued after retirement.



3. This Court is of the considered opinion that revision of pension is to be done by the competent authority, if any error is identified in fixation of pay and pension. In the present case, error was identified and subsequently the revision of pension is effected. Therefore, this Court is not inclined to interfere with the revision of pension already fixed by the competent authorities. As far as the recovery is concerned, in the event of recovery from the pension, the pensioners would be put to hardship. Therefore, the Courts have repeatedly held that recovery of pension cannot be made even in cases where excess payments were made by the Management.

4. In this view of the matter, the impugned order issued by the 1st respondent in proceedings No.Tha Aa Poo ka / Madurai / Va Vai Ni dhi 5/Pi Pi Vo 2021, dated 23.01.2019 is quashed only with reference to the recovery of excess payment. Regarding the revision of pay, the orders stands confirmed.

5. Accordingly, the writ petition stands allowed in part. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai)Ltd.,
Madurai Division No.1,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamilnadu State Transport Corporation (Madurai)Ltd.,
Madurai Division No.1,
Bye Pass Road,
Madurai 625 010.

W.P. (MD)No.2220 of 2019
10.02.2022

RD(25.02.2022) 2P 3C

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