



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos. 6420 & 6422 of 2019

and

W.M.P. (MD) Nos. 8248, 8257, 5130 & 5132 of 2019

WEB COPY

V.Vivekananthan ... Petitioner in W.P.(MD) No.
6420 of 2019

J.Gowri ... Petitioner in W.P.(MD) No.
6422 of 2019

vs.

1.The District Elementary Education Officer
Thanjavur District
Thanjavur

2.The Block Educational Officer
Office of the Block Educational Office (Rural)
Thanjavur Rural
Thanjavur

... Respondents in both W.Ps.

PRAYER (in both W.Ps.): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the impugned proceedings issued by the second respondent in Na.Ka.No.251/A2/2019 dated 07.03.2019 and quash the same.

For Petitioner : Mr.B.Jameel Arasu
(in both W.Ps.)

For Respondents : Mr.G.V.Vairam Santhosh
(in both W.Ps.) Additional Government Pleader

C O M M O N O R D E R

The order of recovery, dated 07.03.2019, is under challenge in the present writ petitions.

2. The petitioners are working as Secondary Grade Teachers. The second respondent issued the impugned recovery proceedings stating that while granting arrears of pay based on the Government Orders, excess payment has been made on account of erroneous calculation by the Establishment. The impugned order itself states that at the time of granting arrears of pay, the petitioners have given undertakings that in the event of identifying any excess



payment in future, they will repay the excess amount.

3. This Court is of the considered opinion that once an undertaking is given by the employee at the time of receiving the arrears of pay and subsequently, the Authorities found that excess payment has been made on account of erroneous fixation of pay, then the employee cannot raise any objection in respect of such recovery. There are two circumstances to be considered in such cases where an excess payment has been made on account of misrepresentation by the employee or in the event of any undertaking given that excess payment is identified in future, the same will be repaid, then the Authorities competent are empowered to recover the excess amount.

4. In the present case, the petitioners have given an undertaking at the time of receiving the arrears of pay. Thus, they have submitted themselves for recovery on identification of excess payment and therefore, the petitioners have not established any acceptable legal ground for the purpose of interfering with the impugned order of recovery.

5. In such view of the matter, the writ petitions are devoid of merits and stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Elementary Education Officer,
Thanjavur District, Thanjavur.

2.The Block Educational Officer,
Office of the Block Educational Office (Rural),
Thanjavur Rural, Thanjavur.

+1 CC to M/s.SPL.GP (SR-5719,5895[F] dated 11/02/2022)

W.P. (MD) Nos.6420 & 6422 of 2019 and
W.M.P. (MD) Nos.8248, 8257, 5130 & 5132 of 2019
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