



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.12626 of 2022

and

W.M.P. (MD) .No.8941 of 2022

Prathaban

... Petitioner

Vs.

1.The Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai-18.

2.The Pension Pay Officer,
Pension Pay Office,
Nandhanam,
Chennai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from withholding or effecting any recovery from the petitioner's pension account PPO No.R0712345 and to consequently direct the respondents to continue the pension paid to the petitioner prior to May, 2022.

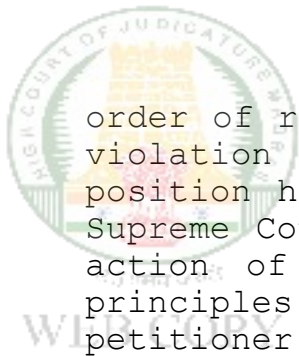
For Petitioner	:	Mr.P.Samuel Gunasingh
For R-1	:	Mr.P.Gunasekaran, Standing Counsel.
For R-2	:	Mrs.D.Farjana Ghoushia, Special Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The grievance of the petitioner is that recovery proceedings have been initiated from his pension from the month of May 2022.

3. The Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Rafiq Masih (white washer) reported in 2015 (4) SCC 334**, has held that recovery from the pensioners, for the mistake committed by the Department, is impermissible in law. Moreover, any



order of recovery without prior notice to the pensioner would be in violation of the principles of natural justice and this legal position has been ratified in the various decisions of the Hon'ble Supreme Court as well this Court. As such, the present unilateral action of recovery without notice also is in violation of the principles of natural justice. On both these grounds, the petitioner is entitled to succeed.

4. Accordingly, a Writ of Mandamus is hereby issued to the respondents forbearing them from withholding or effecting any recovery from the petitioner's pension. Consequently, there shall be a direction to the second respondent forthwith to refund the pension already recovered from the petitioner and continue payment of the pension, that was paid for the month of April 2022, within a period of ten (10) days from the date of receipt of a copy of this order.

5. This Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Lm/Nsr

To

1.The Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai-18.

2.The Pension Pay Officer,
Pension Pay Office,
Nandhanam,
Chennai.

+1 CC to M/s.SPL.GP (SR-27411[F] dated 22/06/2022)

**W.P. (MD) .No.12626 of 2022
21.06.2022**

MGJ(29.06.2022) 2P 4C