



W.P(MD)No.11641 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11641 of 2018

and

W.M.P.(MD)Nos.10595 and 12529 of 2018

I.Elizibai

... Petitioner

Vs.

- 1.The Secretary,
Social Welfare Department,
Fort St.George,
Chennai 600 009.
- 2.Account and General (A&E),
361, Anna Salai,
Thenampatti,
Chennai 18.
- 3.The Assistant Director,
Social Welfare Commission,
Saidapet
Chennai - 032.
- 4.The District Social Welfare Office,
Tuticorin District.
- 5.The Block Development Officer,
(Block Panchayat),
Block Development Office,
Sathankulam Post,
Thoothukudi District 628 704.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records on the files of the 3rd respondent pertaining to its order bearing Na.Ka.No.12860/Nir3(1)/2016 dated 05.05.2018 and consequently direct the respondents to disburse the pension without any recovery.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.K.Manikkam,
Spl. Govt. Pleader for R1, R3 to R5.
Mr.P.Gunasekaran for R2.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was working as Rural Welfare Officer Grade-II in the year 2007. She was subsequently promoted as Extension Officer, Social Welfare Officer Grade-I. She reached the age of superannuation on 30.04.2016. She was allowed to retired but the benefits were not settled. However, vide order dated 05.05.2018, the third respondent directed recovery of a sum of Rs.1,56,681/- from the writ petitioner's DCRG. This order is under challenge in this writ petition.



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3. During the pendency of the writ petition, it was realized that such an order ought not to have been passed. For holding the post of Extension Officer, Social Welfare Officer Grade-I employee must possess certain qualification. It appears that the petitioner was not having the said qualification. Therefore, the authorities had originally proceeded on the premise that the salary received by the petitioner in that capacity ought to be recovered. The respondents had forgotten that the writ petitioner had served as Extension Officer, Social Welfare Officer Grade-I and therefore, the salary could not be ordered to be recovered. Therefore, they had recalled the said order and set things right. The benefits had also been disbursed to the writ petitioner. However, on account of the confusion caused by the impugned order, the petitioner's pensionary benefits were not settled in time and there was belated payment. Therefore, nothing survives for further adjudication in this writ petition.

4. By recording the subsequent developments that had taken place in favour of the writ petitioner, the writ petition is disposed of. The petitioner's claim for payment of interest is left open. No costs. Consequently, connected miscellaneous petitions are closed.

20.10.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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