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W.P.(MD)No.2788 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2788 of 2017

and

W.M.P.(MD)Nos.2294 and 8591 of 2017

Freedra Kamala Bai

... Petitioner

VS.

The Sub Treasury Officer,
Aranthangi,
Pudukkottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders of the respondent in Na.Ka.No.1804/2016/A, dated 27.12.2016 and to quash the same as arbitrary and illegal and further, to direct the respondent to reimburse the amount recovered from the petitioner on the basis of the impugned order.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : M/s.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned orders of the respondent in Na.Ka.No.1804/2016/A, dated 27.12.2016 and to quash the same as arbitrary and illegal and further, to direct the respondent to reimburse the amount recovered from the petitioner on the basis of the impugned order.

2.The only ground that was raised by the writ petitioner is that without giving proper opportunity the impugned order is passed. However, the learned Special Government Pleader appearing for the respondent submitted that the petitioner was informed and he was called to appear in person and only after explanation, the said amount was fixed. However, the petitioner denies the same stating that the calculation sheet was not provided to the petitioner.

3.Hence, this Court is of the considered opinion that the matter ought to be remitted to the authorities for granting opportunity to the petitioner and pass fresh orders. However, it is made clear that the matter is remitted only to determine the



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said over payment of Rs.4,72,373/-. The respondent is at liberty to refix the family pension as eligible to the petitioner. The respondent shall pass an order issuing notice to the petitioner and the petitioner shall submit his objection, after receiving the objection, the respondent shall pass an order explaining the reasons for refixing the family pension within a period of four weeks from the date of receipt of the copy of the order.

4. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

14.10.2022

Internet : Yes

Tmg

To

The Sub Treasury Officer,
Aranthangi,
Pudukkottai.



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S.SRIMATHY, J

Tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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