



W.P.No.22345 of 2010

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.22345 of 2010

V. Murugan

... Petitioner

Vs.

1. The Special Tahsildhar
Adi Dravidar Welfare Department,
Vridhachalam Taluk,
Cuddalore District.
2. The District Adi Dravidar Welfare Officer
Cuddalore District,
Cuddalore.
3. The Accountant General (A&E)
O/o.The Accountant General,
Teynampet,
Chennai – 18.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records connected in Na.Ka.No.E.205/09, dated 11.06.2009 of the 1st respondent and quash the same and consequently direct the respondents to refund the recovery amount to the petitioner as already recovered from DCRG of the petitioner.



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For Petitioner : Mr.K.Arumugam

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 & R2
Mr.V.Vijayashankar for R3

ORDER

This writ petition has been filed seeking to call for the records connected in Na.Ka.No.E.205/09, dated 11.06.2009 of the 1st respondent and quash the same and consequently direct the respondents to refund the recovery amount to the petitioner as already recovered from DCRG of the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner had retired as Middle School Headmaster on superannuation on 31.10.2004. But the respondent even after lapse of two years did not pay the petitioner's terminal benefits and also pension. Finally his pension was sanctioned on 05.12.2006, but his terminal benefits was not sanctioned for the reason that an excess amount was paid to him and the same would be recovered from his terminal benefits and for which the respondent insisted the petitioner to give a consent letter to the Department to recover the excess amount from his terminal benefits. Without issuing any order and without any opportunity, the respondent has recovered a sum of Rs.4,24,901/- for excess payment.



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Thereafter, the petitioner had filed W.P.No.8594 of 2009 before this Court praying to direct the first respondent therein to consider and pass orders on his representation dated 04.09.2008 and the same was disposed of by this Court on 26.05.2009. Thereafter, the first respondent had rejected the claim of the petitioner vide letter Na.Ka.No.E205/09 dated 11.06.2009, against which the petitioner has filed the present writ petition challenging the impugned order dated 11.06.2009 in Na.Ka.No.E205/09.

3. He further submitted that pending the present writ petition, the petitioner has filed another writ petition in W.P.No.9499 of 2015 seeking to grant Selection grade/Special grade in the post of Middle School Headmaster and this Court by order dated 29.07.2015 issued a direction to the Secretary to Government Adi Dravidar and Tribal Welfare Department to grant Selection grade/Special grade pay in the post of Middle School Headmaster by counting the service rendered as secondary grade teacher/Primary School Head Master from the date of his promotion to the post of Middle School Head Master, if the petitioner was not given the same already, with all monetary benefits and the pensionary benefits with arrears. Based on the above said order, Adi Dravidar and Tribal Welfare Department (ADW-7) issued G.O. (2Pa) No.11 dated



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17.09.2022, wherein granted permission to the Director of Adi Dravidar and Tribal Welfare to grant Selection grade/Special grade in the Middle School Headmaster post to the petitioner based on Vth pay commission. Pursuant to the G.O. the first respondent by letter Na.Ka.No.Aa/25/2023 dated 07.03.2023 has revised the pay of the petitioner and fixed the pay in the selection grade and special grade and calculated the difference of payment and paid a sum of Rs.5,12,955/- on 26.04.2023.

4. The learned Government Advocate appearing for the respondents 1 & 2 submitted that they have sent a proposal on 10.04.2023 to the Accountant General Office/third respondent for payment of pension and the same was also received by the Accountant General Office.

5. The learned counsel appearing for the third respondent/Accountant General (A&E) submitted that they have received the said proposal and requested eight (8) weeks time for considering the proposal sent by the second respondent/District Adi Dravidar Welfare Officer Cuddalore District, Cuddalore and to pass appropriate orders.



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6. In view of the submission made by the learned counsel for the respondents, the third respondent/The Accountant General (A&E), O/o. The Accountant General, Teynampet, Chennai is directed to consider the proposal sent by the second respondent/District Adi Dravidar Welfare Officer Cuddalore District, Cuddalore and pass necessary orders with regard to revision of pension within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

15.06.2023

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Index : Yes /No

Speaking Order : Yes/No



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To

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J. SATHYA NARAYANA PRASAD, J.

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