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W.P.No.5091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5091 of 2023
and WMP No.5107 of 2023

C.John

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep by its Secretary,
Municipal Administration and Water Supply Department,
Secretariat Building,
Chennai-600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in the impugned order bearing Po.Thu.Na.Ka.No.B12/10045/2018 dated 18.05.2018 passed by the 1st respondent and quash the same and consequently direct the respondents herein to refund the recovered amount, restore the Selection Grade pay scale of Rs.9300-34800+4200/-notionally from 01.01.2006 and monetarily from 01.08.2010, revise and rework the pension and to pay the arrears on such reworking, along with consequential benefits within a time frame.



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For Petitioner : Mr.G.Kiruthika

For Respondents : Mr.P.Baladhandayutham
Spl.Government Pleader
For R.1
Mr.S.Gopinathan
For R.2

ORDER

The petitioner, while serving as Motor Mechanic in the respondent Department is alleged to have received Selection Grade pay scale wrongly which was pointed out by Local Fund Audit Department. Based on the objection raised in the audit, the second respondent has passed the impugned order dated 18.05.2018 for recovering a sum of Rs.8,03,079/-, out of which, Rs.6,58,944/- was ordered to be recovered from retirement benefits and a sum of Rs.1,44,135/- from monthly pension. The petitioner challenges the said action.

2. It is brought to the notice of this Court that along with the petitioner 26 other persons were also proceeded with and among them, 25 persons had challenged the recovery ordered before this Court in a batch of writ petitions in ***W.P.Nos.7307 of 2019 etc., batch (M.Emrose and others vs The Commissioner, Greater Chennai Corporation)*** and the learned



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Single Judge of this Court through order dated 23.12.2021 allowed the writ petitions with a direction that there shall not be any recovery from the petitioners therein and repayment was ordered if any amount was recovered from the petitioners therein. The above said batch of writ petitions came to be affirmed by the Division Bench of this Court in the case of ***The Commissioner and others vs C.Alexandar and others in W.A.Nos.2030 to 2045 of 2022 dated 06.09.2022.***

3. The petitioner is similarly placed as that of the petitioners in the aforesaid batch of writ petitions viz. ***W.P.Nos.7307 of 2019 etc., batch*** and therefore, would be entitled for similar order.

4. Accordingly, the impugned order dated 18.05.2018 passed by the first respondent is quashed and the second respondent is directed forthwith to refund any amount that may have been recovered pursuant to the impugned recovery order within a period of six weeks from the date of receipt of a copy of this order. It is hereby held that in case if there is revised pay scale pursuant to the impugned order, the respondents shall forthwith pass orders restoring the original pay scale of the petitioner.



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M.S.RAMESH,J.,

sr

5. With the above direction, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

sr

To

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