



W.P.No.8958 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.8958 of 2020
and W.M.P.Nos.10890 & 10891 of 2020

Dhakshayani N.C

...

Petitioner

/vs/

1. The Government of Tamil Nadu
Rep. by its Secretary,
Finance (Pension) Department,
Chennai - 600 006.

2. The Pension Pay Officer,
Office of Pension Pay,
No.571, Officers Building, Veterinary Campus,
Amma Valagam, Ground Floor,
Anna Salai, Nandanam,
Chennai – 600 035.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing second respondent to consider and dispose of the representation dated 20.03.2020 of the petitioner in respect of recovery of the pension amount .

For Petitioner ... Mr.S.Ravichandran
For Respondents ... Mr. G.Nanmaran



W.P.No.8958 of 2020

Special Government Pleader

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ORDER

This Writ Petition has been filed for issuance of a writ of mandamus directing second respondent to consider and dispose of the representation given by the petitioner on 20.03.2020 in respect of recovery of the pension amount .

2. The learned counsel for the petitioner submitted that the petitioner who joined in Government Service as a teacher in Higher Grade, ESLC on 01.05.1935 later got promoted to Secondary Grade teacher and retired on 30.04.1993; her pension was fixed by the first respondent and her full pension was restored from 01.05.2008 by pension payment order dated 13.03.2003; the petitioner filed an application to revise the pension and her pension was revised as per the fixation of pay scale to the employees and in addition to this, as on date a sum of Rs.26,985 + 20% (i.e.Rs.37,837/-) was received as additional pension by the petitioner; when the petitioner went to bank to draw the pension amount during February, 2020, she learnt that a sum of Rs.11,211/- was deducted from her pension account; when enquired with the bank authorities, she was told that a circular was given



W.P.No.8958 of 2020

by the second respondent that some excess pension has been paid for the period between 01.11.2011 to 30.11.2019 to the tune of Rs.4,26,815/- and hence the deduction is made @ Rs.11,211/- per month; aggrieved over the same, the petitioner by citing G.O.Ms.286 dated 28.08.2018 and also by relying on the judgment of the Hon'ble Supreme Court in ***State of Punjab & Others etc. Vs. Rafiq Masih (White Washer) etc., in CA No.11527 of 2014*** and claimed that excess payment made to the employees should not be recovered; despite a representation has been given by the petitioner in this regard, no action has been taken so far. It is further submitted by the learned counsel for the petitioner that the petitioner died on 23.01.2020.

3. Taking into consideration of the said fact and also in the light of the judgment of the Hon'ble Supreme Court in ***State of Punjab & Others etc. Vs. Rafiq Masih (White Washer) etc., in CA No.11527 of 2014*** based on per G.O.286 dated 28.08.2018, the excess amount that was paid to the deceased pensioner ought not to have been recovered.



W.P.No.8958 of 2020

4. The judgment of the Hon'ble Supreme Court in *State of Punjab*

& Others etc. Vs. Rafiq Masih (White Washer) etc., in CA No.11527 of 2014 is squarely applicable to the case of the petitioner. Since the petitioner is no more, the relief sought by the petitioner is moulded to the effect that the respondent shall not do any recovery either from the account of the deceased petitioner or from her estates in the hands of her legal heirs on the premise that excess payment was made to her. And the respondent shall return the recovery if any so far made to the pension account of the deceased immediately.

5. With the above observation, this Writ Petition is disposed. No costs. Connected miscellaneous petitions are closed.

03.10.2023

Index: Yes / No

Speaking order / Non-speaking order

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W.P.No.8958 of 2020

To:
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Government of Tamil Nadu,
Finance (Pension) Department,
Chennai - 600 006.
2. The Pension Pay Officer,
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W.P.No.8958 of 2020

R.N.MANJULA ,J.

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W.P.No.8958 of 2020

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