



WEB COPY



W.P.No.15937 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P. No.15937 of 2021
and
W.M.P. No.16835 of 2021

K.Lakshmi

... Petitioner

/Vs/

1.The Commissioner of Civil Supplies and
Consumer Protection Department,
Chepauk,
Chennai – 600 005.

2.The Accountant General Officer,
Generals Provident Fund Account Office,
Teynampet,
Chennai – 600 018.

3.The Pension Pay Officer,
No.571, Officers Building,
Veterinary Hospital Campus,
Amma Valagam, Ground Floor,
Anna Salai, Nandanam
Chennai – 35.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
for issuance of Writ of Certiorari, calling for the entire records relating to



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the impugned order passed by the first respondent in his proceedings Na.Ka.No.Sa.1/6686/2021, dated 25.03.2021 and quash the same.

For Petitioner : Ms.T. Hemalatha.

For Respondents : Mr.T.Sanjai Gandhi (for R1)
Government Advocate

Mr.V.Vijay Shankar (for R2)
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.Sa.1/6686/2021, dated 25.03.2021 and quash the same.

2.The Petitioner was promoted as Grade I Typist in the year 2000 and subsequently in the year 2003, one C.Rajam, Grade – I Typist claimed seniority in Grade I than the Petitioner. During the year 2000, when the Petitioner was promoted, she did not object and revised pay scale salary was disbursed. When C.Rajam's claim was considered by the first Respondent and the Deputy Commissioner of Civil Supplies, the seniority



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has been changed and her name fixed in S.No.2 and the Petitioner's place has been fixed in S.No.3. This has been done subsequent to the retirement of the Petitioner in Voluntary Retirement Scheme. Thereafter, her seniority was refixed and the Deputy Commissioner of Civil Supplies passed an order in Na.Da.No.Sa3/26195/2012, dated 20.03.2014, whereby recovery of alleged excess salary which has been disbursed to the Petitioner from 12.12.2000 to 28.02.2011, to the tune of Rs.42,558/- was ordered. Challenging the same, the Petitioner approached this Court by way of W.P.No.23712 of 2014 and the same was allowed by setting aside the order passed by the Deputy Commissioner of Civil Supplies.

3.After disposal of the above Writ Petition, the first Respondent sanctioned the pension proposal sent by the second Respondent and from 2011 onwards pension was sanctioned and disbursed. After lapse of 10 years the first Respondent sent a communication to the Petitioner and the second Respondent in his proceedings Na.Ka.No.Sa.1/6686/2021, dated 25.03.2021, stated that from the year 2011, the pay scale has been revised and the pension also mistakenly calculated and disbursed. Hence the



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Petitioner has filed this Writ Petition, to quash the impugned proceedings and pass further orders.

4.Heard the learned counsel for the Petitioner, learned Government Advocate for the first Respondent and the learned standing counsel for the second Respondent.

5.The impugned recovery proceedings ought not to have been issued, in view of the earlier order passed in W.P.No.23172 of 2014 dated 23.12.2020, in which the very same allegations now made by the Respondents have been raised and it has been rightly held that the Petitioner did not suppress any facts for getting promotion in the year 2000 instead of 2004. So the Respondents cannot once again come and say that the Petitioner's promotion in the year 2000 is wrong and her entitlement is only from the year 2004. The pension fixed by considering her date of promotion in the year 2000 is not correct and hence the recovery should not be made.



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6.In fine, this Writ Petition is allowed by setting aside the impugned

order passed by the first respondent in his proceedings Na.Ka.No.Sa.1/6686/2021, dated 25.03.2021. No costs. Consequently, connected Miscellaneous Petition is closed.

16.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Chairman,
Tamil Nadu Electricity Board,
114, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai 600 002.

3.The Chief Engineer,
Chennai Electricity Distribution Circle (Chennai South),
144, Anna Salai,
Chennai 600 002.



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4.The Superintending Engineer,
Chennai Electricity Distribution Circle,
Chennai South,
Chennai 600 078.

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and
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