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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

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THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.5582 of 2016

and

W.M.P.No.4913 of 2016

P. Gopalsamy

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Home (Tr-II) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary / Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai – 600 005.
- 3.The Accountant General,
Anna Salai,
Chennai – 600 018.
- 4.The Pension Pay Officer,
Officer of the Pension Pay Office,
Chennai – 600 006.

.. Respondents



Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 4th respondent passed in Na.Ka.No.4367/2015/H1 dated 21.01.2016 and to quash the same and consequently direct the 4th respondent to refund the amount already deducted in the pension payable to the petitioner.

For Petitioner .. No appearance

For R1, R2 & R4 .. Mr. S. Ravikumar, SGP

For R3 .. Mr. J. Sreevidya

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking interference with an order the 4th respondent passed in Na.Ka.No.4367/2015/H1 dated 21.01.2016 and to quash the same and consequently direct the 4th respondent to refund the amount already deducted in the pension payable to the petitioner

2.This writ petition had been earlier listed on 08.09.2022, wherein, it had been observed that the order passed in the disciplinary proceedings had



been confirmed in order dated 07.07.2022 in W.P.No.18528 of 2014, which writ petition had also been filed by the petitioner herein. Therefore, a direction was given to the Registry to put the same order for reference. The order copy has now been placed for reference.

3.In the present affidavit, the petitioner had stated that consequent to the punishment in disciplinary proceedings, he had filed W.P.No.18528 of 2014. It is seen from the records that the allegation against the petitioner was accumulation of disproportionate wealth and the Government had referred the matter before the Tribunal for conducting enquiry. A punishment of cut-off of pension at the rate of 3,000/- per month for a period of five years was imposed. Since that punishment was imposed, the pension paid in excess had been directed to be recovered by an order now impugned in the present writ petition.

4.The contention of the petitioner is that the said cut-off in the pension should not be in force, since W.P.No.18528 of 2014 filed by him questioning the order of punishment, is pending. However, since the writ petition has been dismissed, the issue raised in the present writ petition also



become infructuous and therefore, the writ petition has to suffer an order of dismissal and the same is therefore dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

5.It is to be noted that consistently, there is no appearance for the petitioner.

31.08.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
smv

To

- 1.The Secretary to Government,
Home (Tr-II) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary / Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai – 600 005.
- 3.The Accountant General,
Anna Salai,
Chennai – 600 018.



WEB COPY



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C.V.KARTHIKEYAN,J.

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4.The Pension Pay Officer,
Officer of the Pension Pay Office,
Chennai – 600 006.

W.P.No.5582 of 2016

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