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W.P.No.27916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.No.27916 of 2023 &
WMP.Nos.27415 & 27416 of 2023**

B.Krishnan

... Petitioner

Vs

1.The Assistant Directorate of Sericulture,
Aanai Medu, Salem.

2.The Assistant General of Tamil Nadu,
[Accounts and Entitlements]
361, Anna Salai, Teynampet, Chennai – 18.

3. The Assistant Treasury Officer,
Sub-Treasury Office, Rasipuram.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari Calling for the entire records which culminated in issuing in Order passed by the second respondent in proceeding order No P27 / 12728134 / 4 / PPO No. C227427 dated 09.08.2023 and consequential order passed by the third respondent in N.K. No 864 / 2023 / E dated 15.09.2023 and quash the same.



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For Petitioner : Mr.S.Mani

For Respondents : Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.S.Arumugam
Government Advocate

ORDER

This Writ Petition has been filed to quash the impugned Order passed by the second respondent in proceeding order No P27 / 12728134 / 4 / PPO No. C227427 dated 09.08.2023 and consequential order passed by the third respondent in N.K. No 864 / 2023 / E dated 15.09.2023 which has been passed for revision of pension of the petitioner and for recovery of the excess amount paid to the petitioner.

2. The learned counsel appearing for the petitioner submitted that as far as revision is concerned, he has no grievance and he is challenging recovery alone pursuant to G.O.Ms.No.286 dated 28.08.2018.



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3. Mr.S.Prabhakaran, learned Government Advocate takes notice for the respondents.

4. The petitioner was working as an Administrative Officer in Sericulture Department and he retired from service on attaining superannuation on 30.09.2009 and his pay scale was fixed as per pension Rule 50% of basic pay and grade pay as per G.O.Ms.No.234 Finance Pay Cell Department dated 01.06.2009. Now the impugned Order has been passed wherein the pension of the petitioner has been revised besides recovery also ordered.

5. In this regard, it is relevant to extract para 18 of the G.O.Ms.No.411, dated 12.11.2020, which reads as follows :

“18. Consequent on the implementation of revision of scale of pay ordered by Pay Grievance Redressal Committee, 2019, it is ordered that any excess emoluments / Pension already drawn by the employees / Pensioners in the category of Administrative Officer in



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Sericulture Department upto October 2020 shall not be recovered.”

Admittedly, the petitioner has retired as the Administrative Officer in Sericulture Department. Hence, recovery notice dated 15.09.2023 stands quashed. However, the order of revision of pension dated 09.08.2023 stands confirmed.

6. Accordingly, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

- 1.The Assistant Directorate of Sericulture,
Aanai Medu, Salem.
- 2.The Assistant General of Tamil Nadu,
[Accounts and Entitlements]
361, Anna Salai, Teynampet, Chennai – 18.
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N.SATHISH KUMAR, J.

VTC

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