



W.P.(MD)No.2922 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2922 of 2023
W.M.P(MD).No.2715 of 2023

Muthulakshmi

... Petitioner

Vs.

1.The Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai-600 018.

2.The Director of Agriculture,
Chepauk,
Chennai.

3.The Treasury Officer,
District Treasury,
Tiruchirappalli.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the third respondent relating to the proceedings in Na.Ka.No.19022/2022/T1 dated 25.01.2023 and quash the same.



W.P.(MD)No.2922 of 2023

For Petitioner : Mr.P.Samuel Gunasingh
For Respondents : Mr.P.Gunaseelan for R1
Mr.S.P.Maharajan
for R2 and R3

ORDER

This writ petition has been filed to call for the records of the third respondent relating to the proceedings in Na.Ka.No.19022/2022/T1 dated 25.01.2023 and quash the same.

2. The case of the petitioner is that the petitioner's husband namely Raakkan was working as Joint Director of Agriculture and he attained superannuation in the year 1990 after rendering 30 years of service. After his retirement, he was receiving the pension and he died on 28.02.2005. After his death, the petitioner was receiving the family pension. While so, after the implementation of the Seventh Pay Commission, the family pension was revised and she was receiving the enhanced pension till November 2022. While so, the third respondent vide its proceedings dated 26.12.2022, issued a show cause notice to the petitioner stating that a sum of Rs.2,82,791/- (Rupees Two Lakhs Eighty Two Thousand Seven



W.P.(MD)No.2922 of 2023

WEB COPY

Hundred and Ninety One only) has been excessively paid to the petitioner and why the same should not be recovered. Thereafter, she made a reply to the show cause notice on 06.01.2023. However, the third respondent did not consider the same and passed the impugned order on 25.01.2023 stating that a sum of Rs.2,82,791/- (Rupees Two Lakhs Eighty Two Thousand Seven Hundred and Ninety One only) would be recovered from the family pension starting from February, 2023. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the present impugned order is recovery as well as the show cause notice, without affording any opportunity to the petitioner, the present impugned order has been passed by the third respondent. Hence, this Court may permit the petitioner to make objection to the impugned order issued by the third respondent.

4. The learned Special Government Pleader appearing for the respondents 2 and 3 would submit that the impugned order is only the



W.P.(MD)No.2922 of 2023

show cause notice which enables the petitioner to make objection. If any objection is made by the petitioner, the same will be considered.

5. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 and 3.

6. In view of the submission made by the learned Special Government Pleader appearing for the respondents 2 and 3, the petitioner is directed to make objection to the impugned order dated 25.01.2023 issued by the third respondent within a period of two weeks from the date of receipt of a copy of this order and if any objection is made by the petitioner, the third respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter. Till the disposal of the objection made by the petitioner, the respondents are directed not to recover any amount from the petitioner.



W.P.(MD)No.2922 of 2023

7. Accordingly, this Writ Petition is disposed of. No costs.

Connected miscellaneous petition is closed.

14.02.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai-600 018.

2.The Director of Agriculture,
Chepauk,
Chennai.

3.The Treasury Officer,
District Treasury,
Tiruchirappalli.



WEB COPY



W.P.(MD)No.2922 of 2023

M.DHANDAPANI,J.

ssb

W.P.(MD)No.2922 of 2023

14.02.2023