

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16511 of 2020
and
W.M.P(MD)Nos.13802 of 2020
& 732 of 2021

K.Selvamathi

... Petitioner

Vs

The Assistant Director of Land Survey
and Records Department /
Personal Assistant to District Collector (Land Survey),
Ramanathapuram,
Ramanathapuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent in Na.Ka.A2/214/2020 dated 02.11.2020 and quash the same as illegal.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was originally employed in Khadi Board. She was later transferred to Land Survey and Records Department. She retired from service in the year 2017. In the year 2020, the impugned order came to be passed directing recovery of what according to the respondent was excess payment made to the petitioner. A similarly placed individual by name C.Vijayalakshmi filed W.P(MD)No.4976 of 2020 and a learned Judge of this Court vide order dated 10.01.2023 allowed the writ petition by citing the decision of the Hon'ble Supreme Court rendered in the case of *State of Punjab and others Vs. Rafik Masih (White Washer) and others reported in 2015 (4) SCC 334*. The petitioner belongs to Group D category. Therefore, recovery of so-called excess amount is set aside. It is also seen that the impugned order was passed without notice. I permit the respondent to issue proper notice to the petitioner and decide the issue of proper fixation of the petitioner's pension. I make it clear what has been set aside is only recovery; re-fixation is not barred. However, the same shall be done after due notice to the petitioner and if any adverse order is passed, the petitioner can question the same in the manner known to law. All the contentions of the petitioner are left open.

3.This writ petition is allowed on above terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Assistant Director of Land Survey
and Records Department /
Personal Assistant to District Collector (Land Survey),
Ramanathapuram,
Ramanathapuram District.

W.P(MD)No.16511 of 2020

G.R.SWAMINATHAN, J.

MGA

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