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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16089 of 2023

V.Thangapandi ... Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refund/reimburse the recovery amount a sum of Rs.1,19,926/- (Rupees One Lakh Nineteen Thousand Nine Hundred and Twenty Six) to the petitioner's account, by considering the petitioner's representation, dated 03.06.2023 within the time frame.

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For Petitioner : Mr.A.Rajaram

For Respondents : Mr.D.Neduncheliyan
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to refund/reimburse the recovery amount a sum of Rs.1,19,926/- (Rupees One Lakh Nineteen Thousand Nine Hundred and Twenty Six) to the petitioner's account, by considering the petitioner's representation, dated 03.06.2023 within the time frame.

2.Heard Mr.A.Rajaram, learned counsel appearing for the petitioner and Mr.D.Neduncheliyan, learned Government Advocate appearing for the respondents and perused the materials available on record.

3.The petitioner retired as a Special Sub-Inspector of Police. At the first instance, he was appointed as Grade-II Police Constable in the police department on 27.05.1988. He got voluntary retirement as Special Sub-Inspector of Police on 30.09.2022 when he

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was serving at Pallathur Police Station, Sivagangai District. After his voluntary retirement, the third respondent had issued proceedings, dated 31.01.2023 on the basis of the Accountant General Auditing report that his basic salary has been refixed from Rs.59,100/- to Rs.57,400/- in accordance with G.O.Ms.No.737, dated 18.08.2010. As a result of which, a total amount of Rs.1,19,926/- was ordered to be recovered from the petitioner. The respondents concerned compelled the petitioner to pay the said amount without which his terminal benefits would not be released. At the verge of such threat, immediately, the petitioner vide E-challan of the State Bank of India paid an amount of Rs.1,19,926/- on 01.02.2023 and thereafter, all his terminal benefits were released. Hence, the petitioner made a representation to the respondents on 03.06.2023 for refund of the said amount of Rs.1,19,926/-, which was recovered from him.

4.Though the learned counsel appearing for the petitioner claims that the recovery which was made at the verge of the voluntary retirement of the petitioner is illegal and arbitrary and on that basis he has filed a Writ seeking to direct the respondents to refund/reimbursement the recovered amount considering the

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petitioner's representation dated 03.06.2023, this Court is not inclined to grant such a relief. The learned Government Advocate appearing for the respondents also brought to the notice of this Court that if such a relief is granted that will open up a Pandora box of more than 4,000 applicants in similar lines and that will cause heavy loss to the Government exchequer.

5.In view of the above, this Writ Petition stands dismissed giving liberty to the petitioner to challenge the proceedings, dated 31.01.2023, in accordance with law. There shall be no order as to costs.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps

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L.VICTORIA GOWRI, J.

ps

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