



W.P.(MD).No.14978 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.14978 of 2016

and

W.M.P.(MD).Nos.11047, 11048 and 11049 of 2016

Arockiamary

... Petitioner

Vs.

- 1.The Director,
Treasuries and Accounts Department,
Panagal Building,
No.1, Jeenis Road,
Sydapet, Chennai – 15.
- 2.The Regional Joint Director,
Treasuries and Accounts Department,
Khajamalai,
Trichy.
- 3.The District Treasury Officer,
District Treasury,
Collectorate,
Thanjavur District.



W.P.(MD).No.14978 of 2016

4.The Assistant Treasury Officer,
Sub Treasury,
Thiruvaiyaru Post,
Thanjavur District.

5.The Branch Manager,
Indian Bank, Thirukattupalli (1340),
80-B, Bazaar Street,
Thirukattupalli,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent in his proceedings Na.Ka.No.7/2016/A1 dated 26.05.2016 and quash the same and direct the fourth respondent not to deduct any amount in future from petitioner's pension account and direct the fourth respondent to re-deposit the already recovered amount from petitioner's family pension account.

For Petitioner : Mr.K.Karthick

For R-1 to R-4 : Mr.P.Thambi Durai,
Government Advocate.

For R-5 : Mr.C.Karthik



W.P.(MD).No.14978 of 2016

WEB COPY

ORDER

This Writ Petition is filed challenging the impugned order dated 26.05.2016 and direct the fourth respondents not to deduct any amount in future from the pension account and also direct the respondents to redeposit all the recovered amount from the family pension account.

2. The petitioner's husband namely, Augustin worked as Grade-I Police Constable in Police Control Room under the control of Superintendent of Police, Thanjavur. On attaining superannuation, the employee had retired from service on 31.03.1994, thereafter his pension was sanctioned. Subsequently, the said Augustin died on 14.04.2011 leaving behind the writ petitioner as the sole legal heir and she was getting the family pension. The family Pension Number is O.Ka.No.CF565 and the petitioner received Rs.11,412/- till 29.04.2016. Suddenly, the fourth respondent issued a communication dated 30.06.2016 stating that an excess pension amount to the tune of Rs.2,23,007/- was paid to the petitioner and the same will be recovered in 46 installments. The respondents have recovered the amount of Rs.45,791/- from the said amount and the balance amount of Rs.1,77,216/- is recoverable. Challenging the said recovery order, the present Writ Petition is filed.



W.P.(MD).No.14978 of 2016

3. At the time of admission, this Court has granted interim stay order restraining the respondents from recovering the amount.

4. The respondents have stated in counter affidavit that the deceased employee died on 14.04.2011 and the excess payment was granted from 15.04.2011 to 30.04.2016.

5. On perusing the affidavit and the counter, it is seen both the petitioner and the respondents have not stated the reasons for wrong fixation. The petitioner is aged about 70 years. Therefore, this Court is fixing the liability on both the petitioner as well as the respondents. Therefore, the balance amount recoverable from the petitioner is Rs.1,77,216/- (Rupees One Lakh Seventy Seven Thousand Two Hundred and Sixteen only). Out of this amount, the respondents are directed to recover only 50% of the said amount that is Rs.88,608/- (Rupees Eighty Eight Thousand Six Hundred and Eight only). The respondents are restrained from recovering the balance 50% amount. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.14978 of 2016

6. With the above direction, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.02.2023

Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Director,
Treasuries and Accounts Department,
Panagal Building,
No.1, Jeenis Road,
Sydapet, Chennai – 15.
- 2.The Regional Joint Director,
Treasuries and Accounts Department,
Khajamalai, Trichy.
- 3.The District Treasury Officer,
District Treasury,
Collectorate, Thanjavur District.
- 4.The Assistant Treasury Officer,
Sub Treasury,
Thiruvaiyaru Post, Thanjavur District.
- 5.The Branch Manager,
Indian Bank, Thirukattupalli (1340),
80-B, Bazaar Street,
Thiukattupalli, Thanjavur District.



WEB COPY



W.P.(MD).No.14978 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.14978 of 2016

24.02.2023