



W.P.(MD).No.1513 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.1513 of 2016

and

W.M.P.(MD).Nos.1274 and 1275 of 2016

R.Chinnamuthu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Accountant General
(Accounts and Entitlements),
No.31, Anna Salai,
Chennai – 600 018.

2.The Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District – 626 106.

3.The Treasury Officer,
District Treasury,
Virudhunagar District.

4.The Assistant Treasury Officer,
Sub-Treasury,
Kariapatti,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of revised pension notice in No.Pen.30/PCR/PPO.No.C182938/SCN/13-14/18603 dated 07.05.2013 on the file of the first respondent and consequential recovery order of the fourth respondent dated 20.05.2014 and the consequential impugned order of the third respondent dated 01.12.2014 in O.Mu.17269/2014/G2 and quash the same as illegal and consequently direct the respondents No.1, 3 and 4 to repay the recovered amount to the petitioner with interest.

For Petitioner : Mr.G.Karthik,
For Mr.S.Rajasekar

For R-1 : Mr.P.Gunasekaran,
ACGSC

For R-2 to R-4 : Mr.S.Kameswaran,
Government Advocate.

ORDER

This Writ Petition is filed challenging the order dated 07.05.2013 and consequential recovery order dated 20.05.2014 and order dated 01.12.2014 and consequently direct the respondents to repay the recovered amount to the petitioner with interest.



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2. The petitioner was appointed as Secondary Grade Teacher in the Government School in the year 1982 and retired from service on 31.05.2006 after 24 years of service. On 07.05.2013, the first respondent passed the impugned order revising the petitioner's pension stating that in the audit, it was found that the petitioner's pensionary benefits has been wrongly calculated. Therefore, the respondents have passed recovery order to recover the amount of Rs.3,65,690/-. The petitioner submitted several representations praying not to recover, since the amount that has been fixed is in accordance to the respective Government Order. The impugned order was passed in the year 2013. But the petitioner has preferred this Writ Petition in the year 2016 that is after the lapse of 3 years. In the meanwhile, the respondents have recovered Rs.1,76,802/-. According to the respondents, the petitioner is entitled to Grade Pay of Rs.17630+4600 without any Special Pay and the petitioner is entitled to the pension of Rs.6176/-. But the respondents have wrongly fixed the scale of pay as Rs.22230 + G.P. 4600+ 0 Special Pay, thereby the excess amount comes to Rs.9300/-. When the audit has detected this incorrect fixation, the respondents have started recovering the said amount. According to the respondents, the fixation itself is wrong.



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3. Therefore, this Court is giving liberty to the respondents to refix the pension as applicable to the petitioner in accordance to law. As far as the recovery is concerned, the petitioner has already repaid Rs.1,76,802/-. The balance recoverable amount is of Rs.1,88,888/- and the respondents are restrained from recovering the same. Hence, the impugned order is quashed to that extent alone.

4. In view of the above, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

- 1.The Principal Accountant General
(Accounts and Entitlements),
The State of Tamil Nadu,
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Chennai – 600 018.
- 2.The Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District – 626 106.
- 3.The Treasury Officer,
District Treasury,
Virudhunagar District.
- 4.The Assistant Treasury Officer,
Sub-Treasury,
Kariapatti,
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S.SRIMATHY, J.

Nsr

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