



W.P(MD)No.17477 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.17477 of 2016
and W.M.P(MD)No.12661 of 2016

A.Ramaian

...Petitioner

Vs.

1.The Principal Accountant General
Office of the Accountant General,
261, Anna Salai,
Chennai – 600 018.

2.The Headmaster,
Government High School,
Villukuri – 629 180
Kanyakumari District.

3.The Assistant Treasury Officer,
Sub-Treasury,
Vilavancode,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings issued by the 3rd respondent herein in Se.Mu.Ka.No.606/A1/2016



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dated 28.06.2016 and quash the same and further direct the respondents herein to refund the amount recovered in pursuance to the impugned proceedings to the petitioner forthwith.

For Petitioner : Mr.E.V.N.Siva
For R2 & R3 : Mr.P.Subbaraj
Special Government Pleader
For R1 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed against the proceedings in Se.Mu.Ka.No.606/A1/2016 dated 28.06.2016 issued by the 3rd respondent, wherein the monthly pension of the petitioner is reduced from Rs.10,500/- to Rs.8475/- and ordered to recover a sum of Rs.2,57,282/-, which is illegal and in violation of the principles of natural justice.

2. The learned counsel for the petitioner submits that after putting more than 33 years of service in Education Department, the petitioner retired from service as Tamil Pandit (Selection Grade) from the Government High School, Villukuri on 30.06.1998 and the



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petitioner is receiving pension under Pension Payment Order No.A856074/EDN.

3. The learned counsel for the petitioner submits that without issuing any notice, the 3rd respondent has unilaterally decided to reduce the monthly pension of the petitioner from Rs.10,500/- to Rs.8475/- and ordered to recover a sum of Rs.2,57,282/- which is in violation of the principles of natural justice.

4. The learned Special Government Pleader appearing for the respondents submits that before taking a decision of reducing the monthly pension of the petitioner and passing recovery order, admittedly, no notice is issued.

5. Heard the learned counsels on either side.



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6. This Court, by order dated 16.10.2020, in W.P(MD)No. 17259 of 2013 has set aside the order of the respondents, when the recovery proceedings were initiated against the petitioner therein.

7. Considering the facts and circumstances of the case and admittedly the respondents did not put the petitioner on notice before reducing the monthly pension of the petitioner and before ordering recovery, this Court is of the considered opinion that the action of the 3rd respondent is against the principles of natural justice. In view of the same, without going into the merits of the case, to meet the ends of justice, it is appropriate to allow this Writ Petition by setting aside the order impugned in this Writ Petition.

8. Accordingly, this Writ Petition is allowed with the following directions :

- i) The impugned order issued by the 3rd respondent in Se.Mu.Ka.No.606/A1/2016 dated 28.06.2016 is hereby set



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aside.

ii) The respondents are entitled to rectify the error in fixation of the pension of the petitioner and pass recovery order, if any, but it can be undertaken only after issuing notice to the petitioner and giving reasonable opportunity of hearing to the petitioner.

9. No costs.

10. Consequently, connected miscellaneous petition is closed.

17.07.2023

Index : Yes / No

NCC : Yes / No

CM

To,

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2.The Headmaster,
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3.The Assistant Treasury Officer,
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BATTU DEVANAND, J.

CM

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