



W.P.(MD).No.19362 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.19362 of 2016

and

W.M.P.(MD).Nos.13978 and 13960 of 2016

V.Balaraj

... Petitioner

Vs.

1.The Regional Joint Director,
Treasuries and Accounts Department,
Tirunelveli,
Tirunelveli District.

2.The Assistant Treasuries Officer,
Treasuries and Accounts,
Vilavancode,
Kanyakumari 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 on the files of the second respondent pertaining to its order in Che.Mu.Ka.No.606/A1/2016 dated 22.08.2016 and to quash the same and consequently forbearing the respondents from making any deduction the petitioner's original pension.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Thambi Durai,
Government Advocate.

ORDER

This Writ Petition is filed to quash the order dated 22.08.2016 and consequently forbearing the respondents from making any deduction the petitioner's original pension.

2. The recovery order is passed without notice. The petitioner is already 82 years old at the time of filing of this Writ Petition. Moreover, the impugned order has not stated the reasons for wrong fixation.



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3. Therefore, this Court is inclined to set aside the impugned order and remit back to the authorities for passing a speaking order. Therefore, the impugned order is quashed. The respondents are directed to issue notice to the petitioner, grant an opportunity, thereafter pass a speaking order. Based on the order, subsequent proceedings can be proceeded with. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is 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



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S.SRIMATHY, J.

Nsr

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