



W.P.(MD).No.2908 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.2908 of 2016

and

W.M.P.(MD).Nos.2565 and 2566 of 2016

A.N.Kumaravelu

... Petitioner

Vs.

1.The Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George,
Chennai – 600 009.

2.The Tahsildar,
Elayankudi – 630 702.

3.The Assistant Treasury Officer,
Ilayankudi,
Sivagangai 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 Certiorari, to call for the records connected with the proceedings issued in Na.Ka.A dated Nil.01.2012 passed by the second respondent and quash the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed for Writ of Certiorari to quash the impugned order dated Nil.01.2012.

2. The petitioner had served as Village Administrative Officer and retired on 31.12.2004. The contention of the petitioner is that his pay was wrongly fixed and consequently he was granted lesser pensionary benefits. The petitioner claims that he is entitled to pay fixation as per Government Letter dated 06.10.2009, but the respondents have fixed the pay as per G.O.Ms.No.64 Finance (Pay Cell) Department dated 26.02.2011.



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3. On perusal of this Government Letter dated 06.10.2009, it is seen that the pay fixation is applicable only to the Secondary Grade Teacher, B.T. Assistant, P.G. Assistant, Headmaster of Primary School and Headmaster of Middle School. In short, it is applicable to the Education Department. The Government has issued a separate Government Order for Village Administrative Officer in G.O.Ms.No.64, Finance (Pay Cell) Department dated 26.02.2011. Moreover, based on the pay fixation, the respondents have also correctly fixed the pay to the petitioner as well. However, the excess amount was paid to the petitioner because of the Government Letter as stated supra.

4. The learned counsel appearing for the respondents further submitted that the wrong fixation was also recovered and the petitioner has also paid Rs.2172/-.

5. Therefore, this Court is of the considered opinion that since the amount is paid, which is an illegal amount in the hands of the petitioner, the same was recovered. Hence, the recovered amount cannot be repaid. As far as the entitlement is concerned, since the petitioner was serving as Village



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Administrative Officer, the correct eligibility of the said post is stated in G.O.Ms.No.64, Finance (Pay Cell) Department dated 26.02.2011 and not in the Government Letter. Therefore, the petitioner is not entitled to the said amount. Hence, the petitioner has no case.

6. For the above reasoning, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.02.2023

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



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To
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S.SRIMATHY, J.

Nsr

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