



W.P(MD)No.3828 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3828 of 2016
and W.M.P(MD)No.3439 of 2016

K.Thirumavalavan

...Petitioner

Vs.

1.The Accountant – General (Accounts and Entitlements)
Tamil Nadu, 261, Anna Salai,
Chennai – 600 018.

2.The Director,
Treasuries and Accounts Department,
Panagal Buildings,
No.1, Jeenis Road,
Saidapet,
Chennai – 600 015.

3.The District Treasury Officer,
District Collectorate Campus,
Thiruchirappalli – 620 001.

4.The District Educational Officer,
Thiruchirappalli – 620 001.

5. The Secretary and Correspondent,
Khajamian Higher Secondary School,
Khaja Nagar,
Thiruchirappalli – 620 020.

... Respondents



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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 pertaining to the proceedings Na.Ka.No.17259/13/S1, dated .. 01.2016, but signed on 03.02.2016 passed by the 3rd respondent and quash the same and further direct the respondents to disburse Rs.2,585/- being the amount deducted from the petitioner's pension in January, 2016 in his 'Pension Payment Order No.T-92406, dated 07.04.1994 on the file of the 3rd respondent.

For Petitioner	: Mr.D.Gnanasekaran
For R2 to R4	: Mr.P.Subbaraj Special Government Pleader
For R5	: Mr.M.Subash Babu

ORDER

This Writ Petition has been filed against the proceedings in Na.Ka.No.17259/13/S1 dated Nil January, 2016 but signed on 03.02.2016 by the 3rd respondent, wherein the monthly pension of the petitioner is reduced from Rs.10,650/- to Rs.9,470/-, which is illegal and in violation of the principles of natural justice.



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2. 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, which is in violation of the principles of natural justice. The learned counsel for the petitioner has also placed a copy of the order dated 16.10.2020 of this Court in W.P(MD)No.17259 of 2013 wherein this Court has set aside the order of the respondents, when the recovery proceedings were initiated against the petitioner.

3. A counter affidavit has been filed on behalf of the respondents.

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

5. Considering the facts and circumstances of the case and



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admittedly the respondents did not put the petitioner on notice before reducing the monthly pension of the petitioner, 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.

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

- i) The impugned order issued by the 3rd respondent in Na.Ka.No.17259/13/S1 dated Nil January, 2016 but signed on 03.02.2016 is hereby set aside.
- ii) The respondents are entitled to rectify the error in fixation of the pension of the petitioner, if any, but it can be undertaken only after issuing notice to the petitioner and giving reasonable opportunity of hearing to the petitioner.



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4. No costs.

5. Consequently, connected miscellaneous petition is closed.

17.07.2023

Index : Yes / No
NCC : Yes / No
CM

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BATTU DEVANAND, J.

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