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W.P.(MD)No.492 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.492 of 2016 and
W.M.P.(MD)Nos.410 and 3156 of 2016

R.Ayyadurai

... Petitioner

vs.

1.The Accountant General,
Government of Tamil Nadu,
281, Anna Salai,
Chennai-18.

2.The Treasury Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Sub-Treasury Officer,
Tiruvadanai,
Ramanathapuram District.

4.The Assistant Education Officer,
R.S.Mangalam,
Tiruvadanai Taluk,
Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.986/2015/A1, dated 27.11.2015 and to quash the same as illegal and consequently, to direct the 3rd respondent to refund the deducted payment in the months of November and December, 2015, for a sum of Rs.30,304/- to the petitioner.

For Petitioner : No appearance
For R1 : Mr.P.Gunasekaran
For R2 to R4 : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the 3rd respondent, dated 27.11.2015 and consequently to direct the 3rd respondent to refund the deducted payment in the months of November and December, 2015, for a sum of Rs.30,304/- to the petitioner.

2. The contention of the petitioner is that the impugned order is passed after retirement, moreover, he is aged about 81 years. The respondents have not issued



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any notice prior to recovery order.

3. It is seen that the amount of recovery is meagre and the petitioner is aged about 81 and therefore, this Court is inclined to allow this writ petition to the extent of recovery alone. If any amount is recovered, the same shall be refunded to the petitioner. As far as the entitlement is concerned the petitioner is not entitled and hence the respondents shall pass refixation order.

4. It is made clear that this order cannot be taken as a precedent because this has been granted based on the peculiar facts and circumstances of the case.

5. With the above said observation, the writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
Tmg

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To

- 1.The Treasury Officer,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Treasury Officer,
Tiruvadanai,
Ramanathapuram District.
- 3.The Assistant Education Officer,
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S.SRIMATHY, J

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