



W.P.(MD).No.7016 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.7016 of 2016
and
W.M.P.(MD).No.5982 of 2016**

1.M.Kandasamy (Died)

2.K.Pappa

3.M.K.Manimegalai

4.M.K.Devambika

... Petitioners

*(P-2 to P-4 are impleaded vide Court Order dated 01.03.2023 in
WMP(MD).19579 of 2021 in WP(MD).7016 of 2016)*

Vs.

1.The District Elementary Educational Officer,
Theni,
Theni District.

2.The Additional Assistant Elementary
Educational Officer,
Periyakulam,
Theni District.



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3.The Regional Joint Director,
Treasuries and Accounts,
Collectorate,
Madurai – 625 020.

4.The Assistant Treasury Officer,
Sub Treasury,
Periyakulam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to return the amount recovered from the petitioner's pension from the month of September, 2015 and to continue to pay the original pension as disbursed in the month of August 2015.

(Prayer amended vide Court Order dated 01.03.2023 in WMP(MD).19526 of 2021 in WP(MD).7016 of 2016)

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.V.Omprakash,
Government Advocate.



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ORDER

This Writ Petition is filed for Mandamus directing the 3rd and 4th respondents to return the amount recovered from the petitioner's pension from the month of September, 2015 and to continue to pay the original pension as disbursed in the month of August 2015.

2. On perusing the petitioner's representation dated 09.10.2015, it is seen that the petitioner was receiving pension of Rs.28,042/- until August 2015. However, suddenly from the month of September 2015, the petitioner was granted pension of Rs.22,091/-. The respondents have deducted Rs.5,951/- from the pension. The petitioner prays to furnish the details regarding deduction.

3. Pending Writ Petition, the writ petitioner died on 30.07.2020. The legal heirs of the petitioner filed an impleading petition and the same is allowed on 01.03.2023.



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4. Therefore, this Court is passing the following order:

i. Since the respondents have not furnished any details regarding sudden reduction of pension, the impugned recovery is kept in abeyance.

ii. The respondents are directed to furnish all particulars to the legal heirs of the petitioner.

iii. Thereafter, the legal heirs shall submit explanation to the respondents.

iv. After receipt of the explanation, the respondents shall consider and pass orders.

v. If any order is passed that the deceased employee is paid excess payment, then the respondents shall initiate recovery proceedings as per law.

vi. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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WEB COPY 5. In view of the above, this Writ Petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

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

To

1.The District Elementary Educational Officer,
Theni,
Theni District.

2.The Additional Assistant Elementary
Educational Officer,
Periyakulam,
Theni District.

3.The Regional Joint Director,
Treasuries and Accounts,
Collectorate,
Madurai – 625 020.

4.The Assistant Treasury Officer,
Sub Treasury,
Periyakulam,
Theni District.

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S.SRIMATHY, J.

Nsr

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20.06.2023