



W.P.(MD).No.8529 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8529 of 2016

and

**W.M.P.(MD).Nos.6841, 6842 of 2016 and
9096 of 2017**

R.M.Nagarajan

... Petitioner

Vs.

1.The Director of Pensions

Directorate of Pensions,
No.361, Anna Salai,
Teynampet,
Chennai – 18.

2.The Treasury Officer,

District Treasury, Collector's Complex,
Sivagangai,
Sivagangai District.

3.The Assistant Treasury Officer,

Sub-Treasury,
Thiruppathur,
Sivagangai District.

... Respondents

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 pertaining to the impugned order passed by the third respondent herein in his proceedings in Na.Kaditha No.234/2016/A2 dated 30.03.2016 which was



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received by the petitioner on 13.04.2016 and quash the same as illegal and consequently direct the respondents to pay the entire pension to the petitioner, for a tune of Rs.17,103/- (Rupees Seventeen Thousand one Hundred and Three only) per month hereafter and consequently direct the respondents to pay the withheld amount of Rs.51,948/- (Rupees Fifty One Thousand Nine Hundred and Forty Eight only) which was recovered already, from his pension to the petitioner, with an interest at the rate of Rs.7.5% per annum.

For Petitioner : Mr.C.Kishore

For R-1 : Mr.P.Gunasekaran,
Accountant General Standing Counsel.

For R-2 and R-3 : Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed challenging the recovery order with a consequential direction to the respondents to pay the entire pension to the petitioner for Rs.17,103/- and to pay the withheld amount of Rs.51,948/- which was recovered already, from his pension, with an interest at the rate of Rs.7.5% per annum.

2. The learned Additional Government Pleader submitted that pending Writ Petition, the entire amount of Rs.1,88,678/- was recovered and it is evident from the proceedings dated 25.01.2023.



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3. The learned Standing Counsel for the Accountant General submitted that the petitioner is not entitled to revision under 6th Pay Commission under G.O.Ms.No.235 Finance (Pay Cell) Department dated 01.06.2007 and the claim of the petitioner cannot be entertained. On merits also, the petitioner is not having any case. Moreover, the petitioner died and the amount is recovered from the pension benefits.

4. Recording the said submissions, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2023

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



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S.SRIMATHY, J.

Nsr

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