



W.P(MD)No.29860 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29860 of 2023

and

W.M.P(MD)Nos.25764 & 25766 of 2023

S.Leelavathi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai-9.
- 2.The Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-18.
- 3.The Engineer-in-Chief,
Water Resource Department &
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-5.
- 4.The Special Chief Engineer,
Water Resource Department,
Vaippar Basin Circle,
Virudhunagar District.



W.P(MD)No.29860 of 2023

5.The Executive Engineer,
Periyar Basin Division,
PWD Campus,
Thallakulam,
Madurai.

6.The Executive Engineer,
Gudar Basin Division,
PWD Campus,
Thallakulam,
Madurai.

... 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 relating to the impugned recovery order passed by the 4th respondent in his proceedings in கடித எண்.ஆ.1/1515/2022, dated 29.11.2023 and quash the same as illegal and consequentially direct the respondents to release the gratuity, pension and other retirement benefits within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For R1,R3 & R4 : Mr.T.Villavan Kothai
Additional Government Pleader

For R2 : Mr.P.Gunasekaran
Standing Counsel

ORDER

The present writ petition has been filed by a retired Executive Engineer of the respondent department challenging the order of recovery,



W.P(MD)No.29860 of 2023

dated 29.11.2023.

WEB COPY

2. The Government has permitted the petitioner to retire from services by issuing G.O.Ms.No.174 Water Resource (F1) Department, dated 31.05.2022. After retirement, the present impugned order has been passed on 29.11.2023 stating that the petitioner has to pay a sum of Rs.33,51,009/- (Rupees Thirty Three Lakh Fifty One Thousand and Nine Rupees only) and they are intending to recover a sum of Rs.20,00,000/- (Rupees Twenty Lakh only) from the DCRG amount. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the present impugned order has been passed without any notice to him. He further contended that unless the split up details are provided, the petitioner would not be in a position to offer his explanation raising objections to the alleged recovery.

4. Considering the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 4th respondent. The 4th respondent is directed to issue a detailed order



W.P(MD)No.29860 of 2023

providing the heads of account under which the entire amount of Rs. 33,51,009/- (Rupees Thirty Three Lakh Fifty One Thousand and Nine Rupees only) is sought to be recovered. Once such a notice is issued, the petitioner will have 15 days time to submit his explanation. Thereafter, the 4th respondent should pass orders considering the objections raised by the writ petitioner.

5. This Writ Petition stands allowed to the extent as stated above.

No costs. Consequently, connected Miscellaneous Petitions are closed.

15.12.2023

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

gbg

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Public Works Department,
Secretariat,
Chennai-9.



W.P(MD)No.29860 of 2023

- 2.The Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-18.
- 3.The Engineer-in-Chief,
Water Resource Department &
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-5.
- 4.The Special Chief Engineer,
Water Resource Department,
Vaippar Basin Circle,
Virudhunagar District.



WEB COPY



W.P(MD)No.29860 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.29860 of 2023

Dated:
15.12.2023