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W.P.No.22650 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.22650 of 2012

and

M.P.No.1 of 2012

R.Karchan

...Petitioner

-Vs-

1.The Accountant General,
Office of the Accountant General,
Teynampet, Chennai – 600 018.

2.The Treasury Officer,
District Treasury Office,
Ootacamund, The Nilgiris.

3.The Divisional Joint Director,
Treasury Accounts Section,
Trichy – 20.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed in Letter No.Ka.Mu.500/2012/D1 dated 25.07.2012 and quash the same and direct the 2nd respondent to return the recovered pension amount to the petitioner and pass such further orders.



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For Petitioner : M/s.A.Bobbie
For Respondents : M/s.N.Senthil Selvi
Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed in Letter No.Ka.Mu.500/2012/D1 dated 25.07.2012 and directs the 2nd respondent to return the recovered pension amount to the petitioner.

2. The case of the petitioner is that he was appointed as a Secondary Grade Teacher on 11.06.1963 and retired on 31.05.1998. After his retirement, he has been living in his village with the pension given by the Government and his Pension Payment Order is PPO No.A845079/Edn. In the year 2011, it was informed that the scale of pay of Teachers, Selection Grade and Special Grade Scales of pay were revised based on the recommendations of the one-man Commission and subsequent Government Orders as the Secondary Grade Teachers who were awarded Selection/Special Grades also entitled to the pension.

3. Learned counsel for the petitioner submitted that from



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01.01.2011 his scale of pay was revised, his pension amount has been revised and he has been receiving the revised pension amount till last month, till the day the impugned letter was issued i.e. on 25.07.2012. The petitioner had received a letter from the 2nd respondent in Letter No.Ka.Mu.500/2012/D-1, dated 25.07.2012, wherein it was stated that in the audit conducted by the 3rd respondent herein, a sum of Rs.37,422/- was paid to the petitioner towards excess pension and arrears. Further, it was stated that a sum of Rs.4,158/- would be recovered from the pension amount from that month, and the amount has already been recovered from his pension amount from July 2012. The respondents herein have not issued any notice or intimation before passing the impugned order and starting to deduct the pension amount arbitrarily.

4. Learned counsel further submitted that at the time of filing the writ petition, he was 72 years old. Now, he is 84 years and he is depending on the pension amount payable by the Government as he has no other income. This Court by order dated 28.09.2012 granted an interim injunction restraining the respondents from deducting the pension amount payable to the petitioner. Aggrieved by the letter dated 25.07.2012, the petitioner has



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approached this Court by way of filing this writ petition.

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5. A counter affidavit was filed on behalf of the respondents.

6. Learned Government Advocate appearing for the respondents submitted written instructions from the Treasury Officer, The Nilgiris @ District Treasury, Udthagamandalam, vide R.C.No.6277/D1/2012 dated 25.03.2024, in which it is stated that the excess amount which was paid to the petitioner was recovered in the month of July 2012 and August 2012 is a sum of Rs.8,946/- and the interim order was passed by this Court on September 2012. Thereafter, no recovery has been made and the same was refunded to the petitioner on 07.01.2015. Since the writ petitioner has challenged the recovery order, nothing survives in this writ petition for further adjudication.

In the result, the **writ petition stands dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

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cda



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Index : Yes/No
Speaking/Non Speaking order

To

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J.SATHYA NARAYANA PRASAD, J.

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