



WEB COPY



W.P.No.27340 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.No.27340 of 2013

R.Anandan

S/o.K.Ramasamy

...Petitioner

Vs

1. The Director of Local Fund Audit
Kuralogom
Chennai-108.

2. The Municipal Commissioner
Cuddalore Municipality
Cuddalore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to return the attached amount of Rs.39,916/- on the ground of non recovery of time barred arrears along with 18% interest per annum.

For Petitioner	:	Mr.A.R.Nixon
For Respondents	:	Mr.A.Anandan Government Advocate



W.P.No.27340 of 2013

WEB COPY

ORDER

The writ petition is filed directing the respondent to return the recovered amount of Rs.39,916/- from his retirement benefits.

2. The petitioner retired as Revenue Officer from the service of second respondent Municipality. From the dues payable to him on retirement, a sum of Rs.39,916/- was recovered. According to the respondents, the same has been recovered based on the recommendation made by the Commissioner, Cuddalore Municipality vide his letter dated 08.08.2001. As per the same, a sum of Rs.25,649/- is due from the petitioner towards House Building Advance interest and another sum of Rs.13,267/- was sought to be recovered towards the time barred arrears i.e., the amount of property tax and other taxes which the petitioner as Revenue Officer has failed to collect from individual property holders and it has now become time barred.

3. Heard the learned counsel for the petitioner and learned Government Advocate for the respondents.



W.P.No.27340 of 2013

WEB COPY

4. A perusal of the affidavit filed in support of the writ petition, counter affidavit and upon considering the submissions made by learned counsel on either side, it is clear that as far as the time barred arrears are concerned, without even fixing the responsibility or passing any order of recovery during the service period of petitioner and affording an opportunity to the petitioner, the amount cannot be recovered. Since the petitioner has retired from service and no order of recovery has been passed during his service, the said amount cannot be recovered from the petitioner. As far as the sum of Rs.25,649/- is concerned which is the House Building Advance interest payable by the petitioner, the same can be recovered.

5. In view thereof, this Writ Petition is allowed in part.

(i) The respondents are directed to refund the sum of Rs.13,267/- to the petitioner along with the interest at the rate of 6% per annum from the date of recovery till the date of disbursement;



WEB COPY



W.P.No.27340 of 2013

(ii) The said exercise shall be carried out by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

29.02.2024

Index:Yes
Speaking order
Neutral Citation : No

mk

To

1. The Director of Local Fund Audit
Kuralogom
Chennai-108.
2. The Municipal Commissioner
Cuddalore Municipality
Cuddalore.



WEB COPY



W.P.No.27340 of 2013

D.BHARATHA CHAKRAVARTHY.J.,

mk

W.P.No.27340 of 2013

29.02.2024