



W.P.No.8525 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 10.07.2024

CORAM

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.No.8525 of 2021

and

W.M.P.No.9084 of 2021

T.A.Govindasamy

S/o.S.Arumugam

...Petitioner

Vs.

- 1.The Director of Fire & Rescue Department,  
Egmore, Chennai-600 008.
- 2.The Principal Accountant General (A&E) Tamil Nadu,  
O/o the Principal Accountant General,  
AG's Office Complex, 361, Anna Salai,  
Teynampet, Chennai-600 018.
- 3.Th Commissioner of Treasuries & Accounts,  
Nandanam, Chennai-600 035.
- 4.The District Treasure Officer,  
Ranipet District, Ranipet.
- 5.The Sub Treasury Officer,  
Sholingar, Ranipet District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records relating to the impugned proceedings issued by the 5th respondent in Na.Ka.No.109/A1/2021 dated 04.01.2021, and quash the same and consequently directing the respondents to restore the revised pension payable to the petitioner.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Murali

Government Advocate for  
Respondents 1,3,4 & 5

Mr.V,Vijay Shankar

Standing Counsel for R2

### **ORDER**

The petitioner herein was initially appointed as Fire Man on 14.11.1975 and promoted from time to time. Finally, the petitioner retired from service on 30.04.2012 as Station Fire Officer. It is thereafter, the petitioner made a claim for extending the benefit on the G.O.Ms.No.304, Finance Department, dated 20.03.1990 and on considering the request of the petitioner the pension of the petitioner was revised by issuing the order dated 20.11.2020 in proceedings No.AG(A&E)PEP12/11223465/1/R2203708. Therefore, the 5th respondent



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had issued the impugned order dated 04.01.2021, ordering for recovery of certain amounts from the petitioner, while revising the pension of the petitioner. It is aggrieved by the said order dated 04.01.2021, the petitioner had approached this Court contending that the impugned order was issued in violation of principles of natural justice, and that the petitioner was not afforded any opportunity and thereby affecting the financial benefits extended in favour of the petitioner. Though the counter affidavit was filed by the 2nd respondent, the fact that the petitioner was not afforded any opportunity before issuing the impugned proceedings dated 04.01.2021, is not disputed. Further, this Court also, while entertaining the writ petition, considering the fact that the impugned order was passed in violation of the principles of natural justice, granted an interim stay and the impugned order is not given effect till date.

2.In the light of the above said admitted fact situation, as there is no opportunity afforded to the petitioner before issuing the impugned order, dated 04.01.2021, this Court is of the considered view that the same cannot be sustained under law.



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3. Accordingly, the impugned order is set aside. The matter is remanded back to the respondent for taking appropriate action strictly in accordance with law by following the principles of natural justice.

4. Accordingly, the writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

**10.07.2024**

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To

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**MUMMINENI SUDHEER KUMAR, J.**

vsn

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