



WEB COPY



W.P.No.12698 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12698 of 2024
and W.M.P.Nos.13854 and 13855 of 2024

B.Manoharan

.. Petitioner

Versus

1. The Joint Commissioner of Police,
Southern Zone,
Chennai - 600 016.

2. The Pension Payment Officer,
O/o. Payment of Pension,
Perasiriar Anbazhagan Maligai,
Nandhanam,
Chennai - 600 035.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari after calling for the concerned records relating to the order in Na.Ka.No.12/00484/thu.pa.pirivu (tho)/2022 Thea.Ma.Aanai En.334/2024, dated 27.03.2024 passed by the 1st respondent and quash the same.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.V.R.R.Elamparithi,
Additional Government Pleader



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ORDER

The petitioner is challenging the order, dated 27.03.2024, whereby, it is concluded that when the arrears were paid to the petitioner, excess was paid and a sum of Rs.4,09,614/- is now ordered to be recovered from the pension of the petitioner.

2. When the matter was taken up in the morning session, the matter was passed over with a specific direction to the learned Additional Government Pleader for the respondents to get instructions as to whether any opportunity was granted to the petitioner in respect thereof. When the matter is taken up in the afternoon session again, the learned Additional Government Pleader submits that no show-cause notice was issued to the petitioner prior to passing of the impugned order.

3. The impugned order visits the petitioner with civil consequences and as such, cannot be passed without issuing a show-cause notice and after giving an opportunity of hearing to the petitioner and after considering the objections raised by the petitioner objectively.



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4. In view thereof, this Writ Petition is disposed of the on the following terms :-

(i) The impugned order, dated 27.03.2024 passed by the first respondent shall stand quashed;

(ii) The respondents will be at liberty to issue a show-cause notice to the petitioner afresh and upon such issuance of the show-cause notice, the petitioner can put-forth all his objections which shall be considered by the respondents in accordance with law;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.06.2024

Neutral Citation : no
grs

To

1. The Joint Commissioner of Police,
Southern Zone,
Chennai - 600 016.
2. The Pension Payment Officer,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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