



WEB COPY

W.P.No.13924 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.13924 of 2020
and W.M.P.Nos.17304 & 17305 of 2020
and W.M.P.No.20270 of 2022

S.Munusamy

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Petitioner

versus

1.The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Finance (PC) Department,
Secretariat,
Chennai - 600 009.

2.The Director of Public Health and Preventive Medicine,
No.359, Anna Salai,
Teynampet, Chennai.

3.The Deputy Director of Health Services,
Cuddalore - 607 001.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Proceeding Na.Ka.No.3288/A6/2020 dated 18.08.2020, to quash the same and to issue consequential directions to the respondent to refund the money if any recovery is made from the petitioner.

For Petitioner : Mr.P.Kumaravel

For Respondents : Mr.E.Sundaram
Government Advocate



ORDER

Heard Mr.P.Kumaravel, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has filed this Writ Petition by challenging the proceedings of the 3rd respondent dated 18.08.2020 and also seeking direction against the respondents to refund the money, if any recovery is made from the petitioner.

3. The petitioner's scale of pay was originally fixed by the 3rd respondent dated 03.06.2013 in pursuant to the direction given by this Court in W.P.No.20554 of 2012 dated 01.08.2012. In fact, the said fixation has been done subject to the outcome of the SLP, which was then pending in S.L.P.No.35969 of 2009 and the said SLP was subsequently dismissed. However, on 18.08.2020 an order has been passed by the 3rd respondent stating that the fixation of pay has been wrongly made and there was an excess payment made to the petitioner. Aggrieved over the same, the petitioner has filed this Writ Petition.



4. Mr.P.Kumaravel, learned counsel for the petitioner submitted that the petitioner is a Group-D employee and he comes under the Government Order passed in G.O.(Ms).No.286, Finance (Pension) Department, dated 28.08.2018 and hence, the recovery cannot be made in case of Group-D employees like the petitioner and that too after a delay of 5 years.

5. Hence, the part of the order which was passed by the third respondent dated 18.08.2020 in respect of the recovery alone is set aside and the revision of pay cannot be disturbed. In the event of recovery, if any made, it shall be refunded to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, this Writ Petition is **partly allowed**. No costs. Consequently, connected Miscellaneous Petition is closed.

06.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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