



W.P.No.13962 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13962 of 2020
and W.M.P.Nos.17346, 17347, 17349,
23164 of 2020 & 26874 of 2023

Dr.V.Sakunthala,
Civil Surgeon (Retired)
'Divyam' 1/81-G, Thoppukadu,
Fair Land, Salem 636 016.

... Petitioner

-VS-

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Medical Services,
Anna Salai, Chennai.
- 3.The Regional Administrative Medical Officer,
ESI Scheme, ESI Hospital, Salem.
- 4.The Treasury Officer,
District Treasury, Salem.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the dated 12.11.2019 in Na.Ka.No.10675/2019/F2 of the 4th respondent and the order dated 26.11.2019 in Na.Ka.No.10675/2019/F2-2 of the 4th respondent and quash the same.

For Petitioner : Ms.AL.Ganthimathi
for Mr.AR.Karthik Lakshmanan

For Respondents : Mr.K.Tippu Sulthan,
1 to 4 Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the dated 12.11.2019 in Na.Ka.No.10675/2019/F2 of the 4th respondent and the order dated 26.11.2019 in Na.Ka.No.10675/2019/F2-2 of the 4th respondent and quash the same.



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2. Learned senior counsel appearing for the petitioner submitted that by order dated 12.11.2019 it was proposed to recover the sum of Rs.3,74,784/- towards the excess pension paid to the petitioner.

3. Thereafter the petitioner submitted a letter dated 23.11.2019 along with the copy of the Government Order to the fourth respondent but the same was not considered.

4. She further submitted that the petitioner retired from service on 31.12.1999 as Senior Civil Surgeon and her pension was revised vide order dated 26.11.2019 by the fourth respondent without giving any notice or opportunity which is in violation of principles of natural justice.

5. The learned senior counsel further submitted that the pension was fixed to the petitioner based on the rules, regulation and Government Orders and there is no mistake in fixing the same as alleged by the respondents.



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6. Learned senior counsel further submitted that at the time of admission this Court has granted interim stay on 01.10.2020 for the recovery alone and the same is still in force as on date.

7. The counter affidavit is filed by the third respondent on 07.09.2023 and also by the fourth respondent along with the petition to vacate stay on 03.12.2020 to vacate the stay granted by this Court.

8. Learned Government Advocate appearing for the respondents submitted that the G.O.236, dated 12.07.2018 is applicable for the Government Doctors of who retired before 23.10.2009 with pay scale Rs.12000 – 375 – 16500 but the petitioner retired on 31.12.1999 with Rs.10000 – 325 – 15200 scale pay.

9. Learned Government Advocate appearing for the respondents further submitted that recovery has been done for a period from June 2020



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to September 2020 for four months at Rs.6600/- per month which comes to a total amount of Rs.26,400/- before the Interim Stay granted by this Court on 01.10.2020.

10. In view of the above facts and circumstances of the case, the petitioner is directed to give a representation to the fourth respondent by enclosing the following documents:

- (i) Document to prove that the petitioner retired as Senior Civil Surgeon,
- (ii) Last drawn salary slip / certificate,
- (iii) Pension payment order,
- (iv) All relevant Government Orders which are applicable to the case of the petitioner,

within a period of **two weeks** from the date of a copy of this order and on receipt the fourth respondent may consider the same taking into consideration the relevant Government Orders, on merits and in accordance with law within a period of **eight weeks** thereof. The fourth respondent is also directed not to take any coercive action to recover the amount till the representation of the petitioner is considered and appropriate orders are



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passed by the fourth respondent.

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11. This writ petition is disposed of with the above observations and directions. No costs. Consequently, the connected writ miscellaneous petitions are closed.

12.11.2024

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Index : Yes / No

Internet : Yes / No

To

- 1.The Secretary to Government,
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