



WEB COPY



W.P.No.17118 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.17118 of 2020
and W.M.P.No.21181 of 2020

D.Sekar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Medical and Health Service,
Chennai - 1.

2. The Director of Rural Health Service,
Chennai.

3. The Superintendent,
E.S.I. Hospital, Ayyanavaram,
Chennai.

4. The Principal Accountant General [A & E],
Tamil Nadu,
No.361, Anna Salai, Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay the pension and terminal benefits due to the petitioner on attaining the age of superannuation from 31.01.2020.

For Petitioner : Mr. R. Ramesh



W.P.No.17118 of 2020

For Respondents : Mr. E. Sundaram
Government Advocate
for R1 to R3

ORDER

This writ petition has been filed for a direction, directing the respondents to pay pension and terminal benefits due to the petitioner's superannuation from 31.01.2020.

2. While pending writ petition, due to audit objection, the respondents passed several orders, thereby the excess pay of Rs.7,39,331/- has been recovered from the retirement gratuity of the petitioner by order dated 05.10.2020. That apart, the necessary "No Dues Certificate" for Death Cum Retirement Gratuity to the petitioner has already been forwarded to the P.P.O. and Pay and Accounts Office (North) vide proceedings dated 24.08.2020, 05.10.2020 and 15.12.2020. The same has been forwarded to the petitioner for receiving pension. However, the petitioner did not receive the same and returned to the third respondent. Further, special provident fund of Rs.34,548/- was already sanctioned and paid to the petitioner by proceedings dated 01.12.2020. The remaining benefits of encashment of earned leave and unearned leave on private affairs have also been sanctioned



W.P.No.17118 of 2020

to the petitioner vide proceedings dated 10.11.2020.

3. In view of the above, the representations submitted by the petitioner cannot be considered and the petitioner is at liberty to challenge the order of recovery dated 05.10.2020 in the manner known to law.

4. Accordingly, this Writ Petition is dismissed. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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