



WEB COPY



W.P.No.11636 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11636 of 2014

N.A.Nayarayanasamy

... Petitioner

Vs.

- 1.The State of Tamilnadu rep. By its
Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-9.
- 2.The Principal Accountant General 9A&E),
Teynampet, Chennai-18.
- 3.The Sub Treasury Officer,
Chengam, Thiruvamnnamalai District.
- 4.The Treasury Officer,
District Treasury,
Thiruvannamalai District.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the 2nd respondent in Lr.No.Pr.AG (A&E)/Legal Cell/ W.P.No.4765/2007/1696/135031 dated 16.12.2013 and quash the same and direct the respondents to permit the petitioner to receive the monthly pension



W.P.No.11636 of 2014

earlier revised at Rs.4482/- and also direct the respondents to refund the unpaid recovery amount to the petitioner.

For Petitioner : Mr.K.Arumugam
For Respondents : Mr.T.K.Saravanan,
Government Advocate – R1, 3 and 4
Mr.V.Vijayshankar - R2

ORDER

The writ petition is directed against a communication dated 16.12.2013 from the second respondent. By such communication, the petitioner was informed that he is eligible for pension of Rs.4110/- per month. The petitioner was further informed that the excess amount to be recovered from him is less than Rs.42,337/-.

2. A counter affidavit was filed on behalf of the 3rd and 4th respondents. In paragraphs 3 and 4 thereof, in relevant part, it is stated as under:

“3. I submit that the actual amount recovered from the petitioner was only Rs.27,111/- and not Rs.42,337/- and therefore the petitioner was entitled to refund of only Rs.27,111/-, recovered from



WEB COPY



W.P.No.11636 of 2014

his Pension and the same was refunded, pursuant to the orders of this Hon'ble Court in W.P.No.4765 of 2007.

4. Therefore, even assuming without admitting that the 2nd Respondent has addressed these Respondents about repayment of amounts to be clarified to the petitioner, the same is not going to help the petitioner in this case, as he was given refund of the amounts recovered from his Pension.”

3. On instructions, learned Government Advocate submits that a sum of Rs.27,111/-, which was recovered from the petitioner, was refunded to the petitioner. Consequently, he submits that the grievance of the petitioner stands redressed.

4. Learned counsel for the petitioner submits that the aforesaid may be recorded and the writ petition closed by granting liberty to the petitioner to re-apply, if necessary.

5. By taking note of the aforesaid averments in paragraphs 3 and 4 of the



W.P.No.11636 of 2014

counter affidavit of 3rd and 4th respondents, W.P.No.11636 of 2014 is disposed of by granting leave to the petitioner to re-apply, if the aforesaid amount was not received. No costs.

29.10.2024

kal

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The State of Tamilnadu rep. By its
Secretary to Government,
Finance (Pension) Department,

4/6



W.P.No.11636 of 2014

Secretariat, Chennai-9.

2.The Principal Accountant General 9A&E),
Teynampet, Chennai-18.

3.The Sub Treasury Officer,
Chengam, Thiruvamnnamalai District.

4.The Treasury Officer,
District Treasury,
Thiruvannamalai District.

SENTHILKUMAR RAMAMOORTHY, J.

kal



WEB COPY



W.P.No.11636 of 2014

W.P.No.11636 of 2014

29.10.2024