



WEB COPY

W.P.No.127 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.127 of 2021 and
W.M.P.Nos.187 & 188 of 2021

B.Ananthi

... Petitioner

Vs.

1.The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Teynampet, Chennai.

2.The Commissioner,
Tiruppur Corporation, Tiruppur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the second respondent in proceedings Na.Ka.No.C.1/6613/2019 dated 27.01.2020 and quash the same and consequently direct the respondents to restore the pay of the petitioner in the Scale of Pay of Rs.5200 – Rs.20200 + Grade Pay of Rs.1900 fixed by the second respondent in proceedings Na.Ka.No.C1/3400/2013 dated 10.06.2013 with all consequential service and monetary benefits.



For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.Muthusamy, GA for R1
M/s.P.Shanthi, Standing Counsel for R2

ORDER

This Writ Petition has been filed for quashment of the impugned order issued by the second respondent in proceedings Na.Ka.No.C.1/6613/2019 dated 27.01.2020 and consequently, direct the respondents to restore the pay of the petitioner in the Scale of Pay of Rs.5200 – Rs.20200 + Grade Pay of Rs.1900 fixed by the second respondent in proceedings Na.Ka.No.C1/3400/2013 dated 10.06.2013 with all consequential service and monetary benefits.

2. Heard the learned counsel on either side and also perused the materials available on record.

3.The case of the petitioner herein is similar to that of the dispute which arose in a batch of Writ Petitions in W.P.No.11760 of 2020 batch (*S.Priya Vs. The Director of Local Fund Audit*). In the said Writ Petitions, this Court has passed the following order:



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5. *The Government Order in G.O.Ms.No.338 dated 26.08.2010 is an one time measure and hence the benefit of the said Government Order cannot be extended to those persons who are appointed subsequent to the issuance of the said Government Order.*

6. *So far as the recovery is concerned, the respondents themselves have admitted in the counter that as per G.O.Ms.No.286 Finance (Pension) Department, dated 28.08.2018, the recovery of excess payments alleged to have been made for Clause III and Clause IV (Group C & Group D) is not permissible. Since the petitioners against whom the recovery has been initiated are all the persons who are not in Group A and Group B services, the G.O.Ms.286 dated 28.08.2018 is squarely applicable to them and hence the recovery orders issued against the petitioners are liable to be quashed.*

7. *So far as the reduction of pay is concerned, the order of reduction of pay holds good only as against those persons who have joined service subsequent to the issuance of G.O.Ms.No.338 dated 26.08.2010. However, in view of the order made in W.P.No.1828/2021 & batch, the order for reduction of pay as against those persons who have joined in service prior to the issuance of G.O.Ms.No.338 dated 26.08.2010 shall be liable to be set aside*



8. In view of the above stated reasons (i) the writ petitions in W.P.Nos.12221, 12195, 12222, 12224, 19544 and 19554 of 2020 are allowed by quashing the impugned order dated 28.02.2020 passed in Na.Ka.No.C1/0501/2020 and the respondents are directed to restore the pay of the petitioners in the scale of pay Rs.5200-Rs.20200 + Grade pay of Rs.1900 from the date of their respective eligibility; (ii) the writ petitions in W.P.Nos.11760, 11763, 11767, 11770, 11773, 11901, 11903, 11907, 11911, 12227 & 12263 of 2020 are partly allowed to the extent of quashing the recovery order alone with a direction to the respondents to refund the recovered amount, if recovery has already been made, within a period of four weeks from the date of receipt of a copy of this order. No costs."

4. The subject matter in issue is also similar to that of the earlier batch of Writ Petitions filed in W.P.No.11760 of 2020 batch, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioners in W.P.No.11760 of 2020 batch, his case would also have the similar line of appreciation involved in the above Writ Petitions. Hence, he is also entitled to the same relief as already granted to the other similarly placed persons in the earlier judicial order.



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5. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Writ Petition is allowed by quashing the impugned order dated 27.01.2020 passed in Na.Ka.No.C1/6613/2019 and the respondents are directed to restore the pay of the petitioner in the scale of pay of Rs.5200-Rs.20200 + Grade pay of Rs.1900 from the date of his eligibility. No costs. Consequently, connected Miscellaneous Petitions are also closed.

30.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Teynampet, Chennai.

2.The Commissioner,
Tiruppur Corporation, Tiruppur.



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VIVEK KUMAR SINGH, J.

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