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W.P.No.19693 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.19693 of 2020
and
W.M.P. No. 24331 of 2020

P.Sundaraju

... Petitioner

Vs.

1. The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Teynampet, Chennai – 600 018.

2. The Commissioner,
Tiruppur Corporation,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issues by the second respondent in proceeding 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 with effect from the date on which he joined in the post of Watchman on 22.05.2009 with all consequential service and monetary benefits.



WEB COPY



W.P.No.19693 of 2020

For Petitioner : Mr. S.Mahesh

For Respondents : Mr. M.Muthusamy,
Government Advocate (for R1)

Mr.S.Silambannan,
Senior Counsel
for M/s. P.Shanthi (for R2)

ORDER

The instant Writ Petition has been filed, challenging the recovery and restoration of pay.

2. The learned counsel for the petitioner would submit that, in a similar set of facts, this Court has already passed an order dated 01.02.2024 in W.P. No. 11760 of 2020 and batch. Wherein, this Court has passed the following order:-

“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



W.P.No.19693 of 2020

WEB COPY

(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."

3. Since the instant Writ Petition is covered by the above judgement,



W.P.No.19693 of 2020

this petition is ordered in terms of the order passed by this Court in W.P. No. 11760 of 2020 and batch, dated 01.02.2024. Consequently, the connected Miscellaneous Petition is closed. No costs.

17.10.2024

kv

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

To

1. The Director of Local Fund Audit,
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Animal Husbandry Hospital Complex,
Teynampet, Chennai – 600 018.
2. The Commissioner,
Tiruppur Corporation,
Tiruppur District.



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W.P.No.19693 of 2020

C.KUMARAPPAN, J.

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W.P.No.19693 of 2020

17.10.2024