



WEB COPY

W.P.No.22272 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.22272 of 2022 and
W.M.P.Nos.21304 & 21306 of 2022

T.Chinnappan

... Petitioner

Vs.

1.The Assistant Director,
Local Fund and Audit,
Integrated Audit Buildings,
4th Floor, Nandanam,
Chennai 600 035.

2.The Commissioner,
Jayamkondam Municipality,
Ariyalur District.

... 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 relating to the undated impugned order of the second respondent made in Na.Ka.No.966/2020/A3 and consequential order of the second respondent dated 06.06.2022 in Na.Ka.No.966/2020/A1, to quash the same and consequently direct the respondents to pay the arrears of amount together with the prevailing rate of interest within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.U.Dinesh Rajkumar, AGP

ORDER

This Writ Petition has been filed for quashment of the undated impugned order of the second respondent made in Na.Ka.No.966/2020/A3 and consequential order of the second respondent dated 06.06.2022 in Na.Ka.No.966/2020/A1 and to direct the respondents to pay the arrears amount together with the prevailing rate of interest within a stipulated time as fixed by this Court.

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

3. The petitioner was initially appointed as watchman for the weekly market at Jayamkondam on daily wages basis in the second respondent Municipality. Thereafter, the appointment of the petitioner was regularized through employment exchange with regular time scale of pay. Thereafter, on completion of 10 years of service, the petitioner was provided with Selection



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Grade pay and the scale of pay was revised and pay band was fixed at Rs.1900/-. All of a sudden and subsequent to his retirement, the second respondent issued proceedings in Na.Ka.No.966/2020/A3 by revising the scale of pay as it was wrongly fixed. At the time of retirement, the respondents without any notice to the petitioner, issued an order of revising the scale of pay. Due to an inordinate delay in sanctioning the pensionary benefits, the petitioner made a representation to the second respondent on 01.10.2021 requesting to sanction and disburse the pensionary benefits. But no action was initiated and on the contrary, the impugned order was passed by the second respondent by reducing the scale of pay and ordered for recovery in Na.Ka.No.966/2020/A1. Against which, the present petition has been filed by the petitioner.

4. The learned counsel for the petitioner submitted that the impugned order refers to the consent letter dated 12.01.2022 said to have been addressed by the petitioner in favour of the second respondent. He further submitted that the petitioner has not given any such consent letter for recovery of the particular amount and taking advantage of the usual undertaking at the time of retirement, the second respondent passed the



impugned orders. He also submitted that the petitioner has worked as watchman in the second respondent Municipality which falls under Group-D category service and hence, the issue of recovery of money for the alleged excess payment is a clear abuse of process of law and the same is liable to be set aside.

5. The learned Additional Government Pleader appearing for the respondents submitted that all the amounts which were due to the petitioner have been paid and no fruitful purpose will be served in keeping this Petition pending before this Court and hence, the petition may be dismissed.

6. A perusal of the letter of the petitioner dated 06.01.2022 which was addressed to the second respondent shows that the petitioner himself has admitted that the deduction be made from the account of the petitioner in the head of Death cum Retirement Gratuity and pay the balance along with the allowances payable to him.

7. Therefore, this Court finds no infirmity or illegality in the impugned orders passed by the second respondent. Accordingly, this Writ petition



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stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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