



W.P.No.21624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21624 of 2024

D.Baratharaj

... Petitioner

Vs

1. The Union of India Represented by its Secretary,
Department of Ports Shipping and Waterways,
Parivahan Bhavan,
1, Parliament Street,
New Delhi – 110001.
2. The Assistant Manager (Admn(Estt
Chennai Port Authority,
No. 1, Rajaji Salai,
Chennai – 600002.
3. The Chairman,
Chennai Port Authority,
No. 1, Rajaji Salai,
Chennai – 600002.
4. The Chief Mechanical Engineer,
Chennai Port Authority,
No. 1, Rajaji Salai,
Chennai – 600002.



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5. The Financial Advisor & Chief Accounts Officer,
Chennai Port Authority,
No. 1, Rajaji Salai,
Chennai – 600002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first to fifth respondents to reimburse the sum of Rs.53,523.62 recovered from pensionary benefits of the petitioner as the settlement of accounts of the petitioner on his retirement on 31.08.2014 with appropriate interest pursuant to the proceedings in No. MEE/EA2/0617/2022/Estt and the representation of the petitioner dated 23.11.2022.

For Petitioner : Mr. P.V.Ravi Chandran

For Respondents : Mr. R.Subramanian,
Additional Central Government
Standing Counsel

ORDER

This Writ Petition is filed to direct the respondents to reimburse the sum of Rs.53,523.62, recovered from the petitioner's pensionary benefits, as settlement of accounts upon his retirement on 31.08.2014, with



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appropriate interest, pursuant to the proceedings in No. MEE/EA2/0617/2022/Estt and the petitioner's representation dated 23.11.2022.

2. The petitioner enrolled in the Army on 28.12.1972 and was discharged from service on 01.01.1988 after completing 15 years of service. He was re-employed at Chennai Port Trust on 30.06.1993. During his Army service, his wife underwent a tubectomy operation for family planning on 28.05.1986. After joining Chennai Port Trust, he applied for a special increment for family planning, submitting a representation along with a medical certificate that his wife had undergone the family planning operation. Considering this a special request, the special increment for family planning was granted to the petitioner on 13.06.1993. However, at the time of his retirement, the said amount was discontinued on 01.04.2014. The petitioner then retired from service on attaining the age of superannuation on 31.08.2014.



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3. It is seen from the records that the said sum was recovered after a period of 8 years, and the petitioner submitted a representation to reimburse the said amount, which was rejected on 16.12.2022 on the ground that the request for grant of recovery of family planning increment cannot be agreed to as per the extant rule provision. The request was previously rejected on the ground that there is no rule to grant an increment for a family planning operation, which was undergone on 28.05.1986. Therefore, the petitioner's representation cannot be considered and is liable to be dismissed.

4. In the result, this Writ Petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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