



W.P.No.3800 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3800 of 2020

and

W.M.P.No.4492 of 2020

R.Pondurangan

..Petitioner

-Vs-

1.The Government of Tamilnadu,
Rep. by its Secretary
School Education Department,
Chennai-9.

2.The Assistant Elementary Education Officer,
Olakkur Saram,
Tindivanam Taluk,
Vilupuram District.

3.The Accountant General (A&E)
Tamilnadu,
Chennai – 18.

4.The Assistant Treasury officer,
Tindivanam,
Vilupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the impugned demand notice issued by the 4th respondent vide his office proceedings No.Na.Ka.No.150/D/2019 dated 15.10.2019 calling upon the petitioner to repay a sum of Rs.9,62,785/- and quash the same.



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For Petitioner	: Mr.M.Karthik
For R1 & R2	: Mrs.P.Rajarajeswari Government Advocate.
For R4	: Mr.S.Arumugam Government Advocate.

ORDER

This Writ Petition has been filed challenging the impugned demand notice issued by the fourth respondent dated 15.10.2019, thereby directed to repay a sum of Rs.9,62,785/-.

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

3. The petitioner was appointed as Secondary Grade Teacher in aided school. Thereafter, he was promoted to the post of Headmaster and retired from service on attaining the age of superannuation on 30.06.2006. Thereafter, the petitioner was paid all retirement benefits and also pension. While being so, the impugned notice was issued by the fourth respondent on 15.10.2019, stating that the petitioner was paid excess amount and as such, he was directed to refund a sum of Rs.9,62,785/-. The petitioner submitted a representation



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and he was informed that the impugned notice was wrongly sent to the petitioner. Thereafter, no recovery was made by the fourth respondent.

Further, the amount, which was recovered from the petitioner, was deposited to the petitioner's bank account. Therefore, the impugned demand notice cannot be sustained and it is liable to be quashed.

4. Accordingly, the impugned demand notice issued by the fourth respondent dated 15.10.2019 is hereby quashed and the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

03.09.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1.The Secretary,
Government of Tamilnadu,
School Education Department,
Chennai-9.

2.The Assistant Elementary Education Officer,
Olakkur Saram,
Tindivanam Taluk,
Vilupuram District.



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3.The Accountant General (A&E)
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