



W.P.(MD) No.4696 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.4696 of 2022

1.K.Valayanandham (died)

2. K.V.Kumaran

...

Petitioner

-VS-

1.The Deputy Treasury Officer,
Virudhunagar,
Virudhunagar District.

2.The Regional Joint Director of Collegiate Education,
Madurai,
Madurai District.

...

Respondents

(Second petitioner is substituted as L.R.
of the first petitioner vide order of this
Court, dated 20.08.2024 passed in
W.M.P.(MD) No.16668 of 2024)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorarified mandamus, to call for the
records on the file of the first respondent pertaining to its order bearing in



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Na.Ka.No.16091/Q1/2015, dated 29.01.2016, and quash the same and consequently direct the respondents to stop the recovery proceedings and not to insist the remittance of alleged excess payment made to the petitioner in previous years.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.S.Madhavan,
Govt. Advocate.

ORDER

The instant Writ Petition has been filed by a retired Librarian from an aided college, seeking to quash the order passed by the first respondent, dated 29.01.2016, wherein the authority had sought to recover a sum of Rs.8,24,660/- from the pensionary benefits of the writ petitioner.

2. Pending Writ Petition, the petitioner/pensioner passed away on 20.06.2022 and, therefore, his son has been substituted in his place.

3. According to the writ petitioner, he was appointed as a Tutor on 18.08.1951 and he retired as a Librarian on 31.05.1985. The petitioner had



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originally challenged the order passed by the first respondent, dated 07.01.2016, wherein a sum of Rs.1,72,539/- was sought to be recovered towards excess payment of pension, in W.P.(MD) No.3504 of 2016 before this Court and the said Writ Petition was allowed on 27.10.2021, granting liberty to the petitioner to challenge the subsequent order, dated 29.01.2016, which is impugned in the present Writ Petition.

4. A perusal of the impugned order reveals that the petitioner, having retired on 31.05.1985, had approached the authorities with a request to revise his pension based upon G.O.Ms.No.200, Finance (Pay Cell) Department, dated 18.05.1999, and acceding to his request, the pension of the writ petitioner was enhanced by the orders of the Joint Director of Collegiate Education, Madurai. However, it was later found that the petitioner was not eligible to receive a higher pension under the above said Government Order. Hence, the present impugned order came to be passed on 29.01.2016, seeking to recover a sum of Rs.8,24,660/- for the period covering from 01.04.1999 to 30.11.2015. The impugned order further reveals that this excess amount is sought to be recovered from the pension of the writ petitioner in 43 monthly instalments at the rate of Rs.19,171/- per month from February,2016.



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5. It is brought to the notice of this Court that the wife of the pensioner had predeceased him and, therefore, as on today, there is no eligible family member to receive family pension.

6. In such circumstances, this Court is of the considered opinion that the order impugned in this Writ Petition cannot be given effect to as against the legal heirs of the deceased pensioner.

7. In view of the above facts, this Writ Petition stands allowed. No costs. Consequently, the connected W.M.P.(MD) Nos.3924 to 3926 of 2022 are closed.

20.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1. The Deputy Treasury Officer,
Virudhunagar,
Virudhunagar District.
- 2.The Regional Joint Director of Collegiate Education,
Madurai,
Madurai District.



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R.VIJAYAKUMAR, J.

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