



W.P.(MD).No.6854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6854 of 2023

and

W.M.P(MD) Nos.8050 and 14375 of 2023

Chelladurai

... Petitioner

Vs.

The Assistant Treasury Officer,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the respondent dated 20.02.2023 in Na.Ka. 345/2022/௮1 and quash the same and consequently directing the respondent to continue to pay the pension to the petitioner without any deduction.

For Petitioner : Mr.S.Manikandan

For Respondent : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The instant Writ Petition has been filed by the Joint Director of Agriculture, challenging the order of the respondent dated 20.02.2023, wherein there is a direction to recover a sum of Rs.3,81,321/- at the rate of Rs.10,000/- per month.

2. Under 6th Pay Commission, the post of Assistant Executive Engineer was conferred with Grade Pay of Rs.6,600/-. However, the Government *suo motu* had reduced the Grade Pay to Rs.5,400/-. The Assistant Executive Engineers have challenged the same. The Hon'ble Supreme Court had directed the State Government to appoint One Man Commission to rectify the anomalies. The One Man Commission after conducting an enquiry confirmed the stand taken by the Government and fixed grade Pay at Rs.5,400/-.

3. The petitioner and others had received the grade Pay at the rate of Rs.6,600/- based upon the pay Commission recommendations from January 2017 onwards. However, vide G.O.(Ms) No.402, Finance (Pay Cell) Department, dated 12.11.2020, the Grade Pay of Rs.5,400/- was confirmed by



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the Government, based upon the One Man Commission. A perusal of paragraph No.19 of the said Government Order reveals that in case any excess Grade Pay is paid to the employees till October 2020, the same shall not be recovered.

4. A perusal of the impugned order reveals that the excess payment made to the writ petitioner relate to the period between October 2017 and June 2021, which is sought to be recovered. It is clear that without considering the benefits under G.O.(Ms) No.402, Finance (Pay Cell) Department, dated 12.11.2020, the present impugned order has been passed for recovering a sum of Rs.3,81,321/-. The impugned order further reveals that the excess payment has been made for the period between October 2017 and June 2021. The benefits under the Government Orders are available to the writ petitioner only upto October 2020.

5. In view of the above said deliberations, the following orders are passed;

a) Any excess payment made to the writ petitioner between October 2017 till October 2020 cannot be recovered. If any recovery is already made, the same shall be refunded within a period of 12 weeks from the date of receipt of a copy of this order.



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b) Any excess payment made to the writ petitioner between November 2020 till June 2021, shall be recovered from the writ petitioner.

6. In the result, this writ petition is partly allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
The Assistant Treasury Officer,
Karaikudi,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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