



W.P.(MD).No.9340 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9340 of 2023

and

W.M.P(MD) Nos.8370 of 2023 and 17032 of 2024

V.Natesan

Assistant Executive Engineer (Retired),
Agricultural Engineering Department,
Door No.1994, J.J.Nagar,
No.1, Tool Gate,
Pitchandar Kovil Post,
Trichy – 16.

... Petitioner

Vs.

1. The Principal Account General,
(Accounts and Entitlements)
361, Anna Salai,
Teynampet,
Chennai – 600 018.

2. The Commissioner of Treasuries and Accounts,
3rd Floor,
Perasiriyar K.Anbazzhagan Maaligai,
No.571, Anna Salai,
Nandanam, Chennai – 600 035.

3. The Assistant Treasury Officer,
Manachanallur Taluk,
Trichy District.

... Respondents



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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 relating to the impugned order passed by the third respondent in his proceedings கா.மு.அ.எண்: 131/2019/அ1, dated 04.02.2022 and quash the same as illegal and consequently to direct the respondents 2 and 3 to repay the amount which was already recovered from the petitioner's pension within the period that may be stipulated by this Court.

For Petitioner : Mr.V.P.Rajan
For R1 : Mrs.S.Mahalakshmi
For R2 and R3 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a retired Assistant Executive Engineer of the Agricultural Engineering Department, challenging the order of recovery passed by the third respondent herein, on 04.02.2022.

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 Engineer has challenged the same. The Hon'ble Supreme Court had directed



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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 the Government, based upon the One Man Commission. A perusal of paragraph No.18 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 revised pension payment order of the writ petitioner also reveals that there cannot be any recovery up to October 2020. However, without considering the benefits under G.O.(Ms) No. 402, Finance (Pay Cell) Department, dated 12.11.2020, or the order of the Accountant General Office, the order impugned in the writ petition has been passed on 04.02.2022 by the Assistant Treasury Officer for recovering a sum of



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Rs.5,000/- per month from the pension of the writ petitioner. A perusal of the impugned order reveals that excess payment has been made and the excess pension has been paid to the writ petitioner for the period between January 2017 and October 2019. The said period is covered under G.O.(Ms) No.402, Finance (Pay Cell) Department, dated 12.11.2020, wherein it has been specifically held that any excess amount paid till October 2020 shall not be recovered.

5. In view of the above said deliberations, the order impugned in the writ petition is set aside and this Writ Petition stands allowed. If any amount has already been recovered, the same shall be refunded to the writ petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.



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