



WP(MD). No.11846 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11846 of 2024
and WMP(MD) Nos.10559 and 10560 of 2024

S.Srinivasagam

... Petitioner

Vs

1. The District Treasury Officer,
District Treasury Office,
Collectorate Campus, Theni 625531.

2. The Assistant Treasury Officer,
Sub Treasury Office, Uthamapalayam 625 533,
Theni District.

... Respondents

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 2nd respondent relating to his impugned order in Na.Ka.No. 1148(A)/2022/A4, dated 20.01.2023 and quash the same as illegal and directing the respondents to pay the pension to the petitioner, which he received before the impugned order based on the earlier calculation by fixing his pension as Rs. 39,993/-.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.J.Ashok

Additional Government Pleader



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ORDER

Heard Mr.B.Anandan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, for the respondents.

2.This writ petition has been filed challenging the impugned order of the 2nd respondent dated 20.01.2023 and direct the respondents to pay the pension to the petitioner, which he received before the impugned order, basing upon the earlier calculation by fixing the pension as Rs. 39,993/-.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the petitioner was originally paid with pension of Rs.55,775/- from the year 2018 pursuant to G.O.Ms.No.145 dated 06.07.2018.



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5. The petitioner, who is a retired employee and a senior citizen of 84 years, has been served with the recovery order on the ground that fixation of his pension was made wrongly. Even for any valid reasons, the fixation is wrong, as per the Government order cited supra, no recovery of this nature can be made against retired employee. However, it is up to the respondents to refix the pension, if at all there is any wrong fixation by affording an opportunity of hearing to the petitioner.

6. In view of the above, the writ petition is allowed and the impugned order dated 20.01.2023 is set aside and the respondents are directed to refix the pension by affording an opportunity of hearing to the petitioner, if the respondent chooses to do so. If any recovery is made so far, the same shall be reimbursed to the petitioner forthwith. No costs. Consequently connected Miscellaneous petitions are closed.

06.06.2024

NCC : Yes/No
Index : Yes/No
RR



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R.N.MANJULA, J.

RR

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