



W.P.(MD)No.12110 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12110 of 2024

P.Mohanadoss

... Petitioner

vs.

1.The Principal Secretary / Commissioner,
Directorate of Agricultural Marketing and
Agri Business,
Guindy, Chennai - 600 032.

2.The Treasury Officer,
District Treasury,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents i.e., Principal Secretary / Commissioner, Agricultural Marketing and Agri Business, Chennai and the Treasury Officer, District Treasury, Sivagangai to arrange to refund the amount of Rs.40,000/- already recovered from the petitioner from June 2021 to January 2022 within a specified time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For Respondents	:	Mr.M.Lingadurai Special Government Pleader



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ORDER

Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to direct the respondents to refund the amount of Rs.40,000/- already recovered from him from June 2021 to January 2022 within a stipulated time.

3. The petitioner who had retired on 31.03.2012 on attaining his superannuation as Superintendent at the Regulated Market at Karaikudi, had filed a writ petition in W.P.(MD)No.4157 of 2013 seeking a direction to promote him notionally to the posts of Supervisor and Superintendent on par his junior in pursuant to the Government Order in G.O.Ms.No.449, Agriculture (AMI) Department, dated 16.08.1995. The claim of the petitioner was allowed vide order dated 19.04.2013. The petitioner was given with notional effect for his promotion to the posts of Supervisor and Superintendent from the date on which his immediate junior was



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promoted and monetary benefits only in terms of the pension for the promoted post. The writ appeal filed by challenging the above writ petition has been dismissed by order of this Court dated 25.08.2014 in W.A.(MD)No.970 of 2014. Thereafter, revised pension proposal was sent on 28.11.2022 and the same was also sanctioned.

4. However, the second respondent Treasury Officer has been making recovery of Rs.5,000/- every month from the pension of the petitioner from June 2021 without issuing any notice to the petitioner. The recovery effected from June 2021 to January 2022 totalling Rs. 40,000/- is refundable to the petitioner.

5. In a writ petition filed by the petitioner in W.P.(MD)No.1297 of 2022, by order dated 11.07.2023, a direction has been given to the second respondent not to effect any recovery in the pension. Accordingly, no recovery has been effected. Even though the said direction was complied, the amount already recovered from June 2021 to January 2022 has not been refunded. In fact, the petitioner had sought for



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the very same relief in the earlier writ petition in W.P.(MD)No.1297 of 2022 itself. However, unfortunately, in the order dated 11.07.2023 made in the said writ petition, instead of the word 'refund', due to typographical error, the word 'refix' has been used. The petitioner's grievance would have been redressed had he mentioned it and got an amendment. Since in the earlier order itself, this Court had ordered not of effect any recovery in the pension of the petitioner, obviously, the petitioner is entitled for refund of the recovered amount.

6. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to refund the amount of Rs. 40,000/- already recovered from the petitioner from June 2021 to January 2022 within a period of six weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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