



W.P.(MD)No.14582 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14582 of 2023

P.Thavasilingam

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by the Secretary,
Home Department,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Santhome, Chennai - 600 004.

3.The Accountant General (A&E)
Pension Section, Chennai - 600 018.

4.The Superintendent of Police,
District Police Office,
Tirunelveli District, Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the fourth respondent in C.No.R1/Pen.29/2022 dated 20.12.2022, quash the same as illegal and consequently direct the fourth respondent to repay the deducted amount



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of Rs.3,95,701/- from the petitioner's Death cum Retirement Gratuity and recalculate the petitioner's pension retirement benefits and others relevant benefits amount on the basis of his last drawn wage of Rs.62,700/-.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard Mr.H.Velavadhas, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the order of the fourth respondent in C.No.R1/Pen.29/2022 dated 20.12.2022 as illegal and consequently direct the fourth respondent to repay the deducted amount of Rs.3,95,701/- from his Death cum Retirement Gratuity and recalculate his pension retirement benefits and others relevant benefits on the basis of his last drawn wage of Rs.62,700/-.



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3. The petitioner had retired as Special Sub Inspector on 31.08.2022 though Voluntary Retirement. Subsequently, the impugned proceedings has been issued for recovery alleging that a sum of Rs. 5,90,437/- has been paid over and above the pay and allowance due to the petitioner.

4. On perusal of the impugned order, it is seen that, the order does not even have a work table to show from when onwards, the alleged excess payment is made and how it got accrued to a sum of Rs.5,90,437/-. So far as the split figures of Rs.73,910/- and Rs.1,20,826/- are concerned, the petitioner has got no issues as those amounts represent the interest and principal payable by him for availing a four wheeler advance. However, so far as the another figure of Rs.3,95,701/- is concerned, it seems to be representing the over drawn pay. Unless, the petitioner is given with the work sheet showing how the over drawn pay of Rs.3,95,701/- is arrived, he cannot make any effective representation. Since the impugned order of recovery has been passed without giving any opportunity to the petitioner to submit his explanation, it is liable to be set aside.



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5. In view of the above observations, the writ petition is **disposed of** and the impugned order of the fourth respondent in C.No.R1/Pen.29/2022 dated 20.12.2022 is set aside. In respect of the relief sought for towards the re-calculation of the petitioner's pension, the petitioner can give a fresh representation to the fourth respondent by stating how he is entitled to pension more than what is being already granted to him within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent is directed to consider the same and pass orders in accordance with law within a period of four weeks thereon. No costs.

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

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To
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- 1.The Secretary,
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- 2.The Director General of Police,
Santhome, Chennai - 600 004.
- 3.The Accountant General (A&E)
Pension Section, Chennai - 600 018.
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