



W.P.(MD).No.22570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22570 of 2024

and

W.M.P(MD) Nos.19112 and 24755 of 2024

D.Karunaianantham

... Petitioner

Vs.

1. The Accountant General (A & E),
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

2. The Divisional Engineer (Highways),
NABARD and Rural Roads,
Madurai – 625 002.

3. The Treasury Officer,
District Treasury,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the third respondent i.e., the Treasury Officer, District Treasury, Theni in his Na.Ka.No. 642306/2024/B1 dated 18.07.2024 and quash the same.



W.P.(MD).No.22570 of 2024

WEB COPY

For Petitioner : Mr.S.Visvalingam
For R1 : Mr.P.Gunasekaran
For R2 and R3 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a retired Assistant Divisional Engineer, challenging the order of recovery passed by the Treasury Officer, District Treasury, Theni, on the ground that excess payment of pension was paid to the petitioner.

2. A perusal of the impugned order reveals that at the instance of the petitioner, the Accountant General has disbursed the excess payment of pension to the writ petitioner and the excess amount is sought to be recovered.

3. The petitioner herein had retired 16 years prior to the passing of the impugned order. There is no allegation in the impugned order that the excess payment of pension was paid to the writ petitioner due to the mis-



W.P.(MD).No.22570 of 2024

representation made by him. Further, no notice was given to the petitioner before passing the impugned order.

4. In such circumstances, the petitioner, having retired 16 years back and the recovery is sought to be made after the retirement, this Court is of the considered opinion that the judgment of the Hon'ble Supreme Court reported in **(2015) 4 SCC 334** in the case of **(State of Punjab and other Vs. Rafiq (white washer) and others)**, is squarely applicable to the facts of the present case.

5. This Hon'ble Court, in a batch of 68 cases, by way of separate orders on 11.06.2024 has allowed similar writ petitions with a direction to refund the amount, if any already recovered.

6. Considering the above said facts, the order impugned in the writ petition is set aside and in case, if any recovery has already been made, the respondents herein are directed to refund the same, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD).No.22570 of 2024

WEB COPY

7. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Accountant General (A & E),
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.
2. The Divisional Engineer (Highways),
NABARD and Rural Roads,
Madurai – 625 002.
3. The Treasury Officer,
District Treasury,
Theni.



WEB COPY



W.P.(MD).No.22570 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.22570 of 2024

05.12.2024