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W.P.(MD)No.25595 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25595 of 2019

and

W.P.(MD)Nos.22168 of 2019 & 10645 of 2020

Antony Mary Stella

: Petitioner

Vs.

1.The Accountant General (A&E),
O/o. Accountant General (A&E),
Chennai – 18.

2.The Assistant Treasury Officer,
Sub Treasury Office,
Lalgudi, Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent dated 23.10.2019 made in Na.Ka.No.823/2019/A and quash the same and consequently direct the respondents to repay the sums deducted by the respondents based on the above proceedings from the pension of the petitioner.



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For Petitioner : Mr.K.K.Senthil
For Respondent No.1 : Mr.P.Gunasekaran
Standing Counsel
For Respondent No.2 : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The petitioner has challenged the impugned order dated 23.10.2019 issued by the second respondent on the following grounds:

- a) Violation of principles of natural justice. According to the petitioner, no notice was served on her prior to the passing of the impugned order.
- b) No reasons have been given in the impugned order and therefore, the impugned order is a non-speaking order.
- c) Inordinate delay and laches on the part of the second respondent in issuing the impugned order.

2. Admittedly, the impugned recovery order pertains to alleged excess payments made to the petitioner in the year 2007. However, the impugned order came to be passed only on 23.10.2019, after a lapse of more than 11 years from the date when the alleged excess payments were made to the petitioner. Admittedly, no show cause notice was issued to the petitioner prior to the passing of the impugned order.



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3.As seen from the impugned order, it is clear that principles of natural justice has been violated by the respondents. Since there is an inordinate delay and laches on the part of the respondents to recover the alleged excess payments made to the petitioner which pertains to the year 2007, though the impugned order has been passed only in the year 2019, the question of recovering the alleged excess payments from the petitioner also does not arise on the ground of laches.

4.For the foregoing reasons, the impugned order dated 23.10.2019 passed by the second respondent is hereby quashed.

5.Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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