



W.P.(MD)No.16038 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16038 of 2017

and

W.M.P.(MD)Nos.12702, 12703 & 18652 of 2017

Amborse Gladys Devapackiam

: Petitioner

Vs.

1.The Accountant General (Accounts & Entitlements),

Office of the Accountant General,

(Accounts & Entitlements), Tamil Nadu,

361, Anna Salai,

Teynampet,

Chennai – 600 018.

2.The Regional Joint Director of Treasuries and Accounts,

Ground Floor,

BSNL Campus,

Vannarpettai,

Tirunelveli – 627 003.

3.The Treasury Officer,

Treasury,

Collectorate,

Thoothukudi.



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4.The Sub Treasury Officer,
Sub Treasury, Tiruchendur,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned calculation done by the second respondent and further communication vide Na.Ka.364-2017-A3 dated 03.07.2017 from the fourth respondent and set aside the same and further direct the respondents to reimburse the amount which was already deducted illegally from the petitioner's pension for the months of April 2017 to August 2017.

For Petitioner : Mr.V.Rajiv Rufus

For Respondent No.1 : Mr.P.Gunasekaran

Standing Counsel

For Respondents 2 to 4 : Mr.G.Suriya Ananth

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned recovery order dated 03.07.2017.

2.The petitioner is a retired Nursing Superintendent. The petitioner has challenged the impugned recovery order on the ground that being a retired employee, the respondents are legally



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barred from issuing the recovery order in respect of their claim that erroneously excess payments were made to the petitioner towards her pension for the months of April 2017 to August 2017.

3.The law is now well settled in the decision rendered by the Hon'ble Supreme Court in ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in ***(2015) 4 SCC 334*** which prohibits recovery from retired employees even in cases where excess payments were made to them while they were in service. In view of the settled law, the impugned communication dated 03.07.2017 which is in the nature of a recovery order claiming recovery of a sum which according to the respondents was paid to the petitioner erroneously towards her pension amounts for the months of April 2017 to August 2017 is hereby quashed.

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

30.09.2024

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE, J.

MR

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