IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2157 of 2024
and W.M.P.No.2321 of 2024

A.Shajahan ... Petitioner

Vs.

1.The Secretary to Government,
Finance Department Secretariat,
Chennai-600 009.

2.Accountant General [A & E],
361, Anna Salai, Teynampet,
Chennai-600 018.

3.Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbazhagan,
Maligai, No.571, Anna Salai,
Nandanam, Chennai-600 035.

4.Treasury Officer,
District Treasury,
Tiruvannamalai-606 604.

....Respondents

https://www.mhc.tn.gov.in/judis

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records culminating in proceedings Na.Ka.No.4807/2001/woo1 dated 27.01.2023 issued by the fourth respondent, quash the same and consequently direct the fourth respondent not to recover the excess amount of pension already paid and refund the excess amount already recovered.

For Petitioner : Mr.S.Namasivayam

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the proceedings in Na.Ka.No.4807/2001/woo1 dated 27.01.2023 issued by the fourth respondent and for a consequential direction to the fourth respondent not to recover the excess amount of pension already paid and refund the excess amount already recovered.

2. The learned counsel appearing for the petitioner submits that the petitioner joined the Department as Junior Engineer on 08.11.1982. On

16.07.2010, he was promoted as Assistant Executive Engineer and his pay was fixed as per G.O.Ms.No.312, Finance (Pay Cell) Department dated 26.08.2010. The fixation had a notional effect from 01.01.2006 and monetary benefit from 01.08.2010. At the time of his retirement on 30.04.2014, he was granted the pension of Rs.15,280/- based on the said Government Order. Subsequently, his pension was reduced as Rs.14,630/- as per G.O.Ms.No.242 dated 22.07.2013. Further, in G.O.Ms.No.399, Finance (Pay Cell) Department dated 12.11.2020, it has been clarified that higher pay drawn from 01.01.2006 to 31.12.2015 shall not be recovered. However, the fourth respondent, vide letter dated 21.10.2021, directed the petitioner to remit the excess amount of Rs.2,65,866/- made during 01.10.2017 to 30.09.2021. Thereafter, though certain clarifications have been given, the fourth respondent vide proceedings dated 27.01.2023 directed that a sum of Rs.1,99,404/- would be recovered in 18 installments of Rs.11,078/- from the petitioner. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated the contentions raised in the affidavit filed in support of this petition and

submitted that before passing the impugned proceedings, no opportunity was given to the petitioner and it is a violation of principles of natural justice. Hence, he prays for allowing the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents submits that the recovery of excess pension order passed by the fourth respondent dated 22.04.2022 relates to refixation of pension from Rs.15,280/- to Rs.39,270/- and the contention of the petitioner that as per G.O.Ms.No.399, Finance (Pay Cell) Department dated 12.11.2020, any excess pay/pension already drawn by the employees/pensioners shall not be recovered is not related to the refixation of pension as per G.O.Ms.No.313, Finance (Pay Cell) Department dated 25.10.2017 and it only relates to the revision of pay/pension as per G.O.Ms.No.399, Finance (Pay Cell) Department dated 12.11.2020. Therefore, the orders passed by the fourth respondent are in consonance with the Government orders.

5. A perusal of the impugned proceedings dated 27.01.2023 issued by the fourth respondent reveals that before passing the impugned order, no

enquiry was conducted by issuing show cause notice to the petitioner and no opportunity was provided to the petitioner. Hence, the impugned order passed by the fourth respondent dated 27.01.2023 is in violation of principles of natural justice. Hence, on that ground, the impugned order dated 27.01.2023 passed by the fourth respondent is set aside. However, liberty is granted to the respondents to initiate the proceedings in the manner known to law.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

03.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

https://www.mhc.tn.gov.in/judis

To

1.The Secretary to Government,
Finance Department Secretariat,
Chennai-600 009.

2.Accountant General [A & E],
361, Anna Salai, Teynampet,
Chennai-600 018.

3.Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbazhagan,
Maligai, No.571, Anna Salai,
Nandanam, Chennai-600 035.

4.Treasury Officer,
District Treasury,
Tiruvannamalai-606 604.

https://www.mhc.tn.gov.in/judis

M.DHANDAPANI, J.

ssb

W.P.No.2157 of 2024

03.12.2025

https://www.mhc.tn.gov.in/judis