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W.P No. 12895 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 12895 of 2016

and WMP.No. 11267 of 2016

V. Meenakshi

..Petitioner

Vs

1.The Government of Tamil Nadu
Rep. By its Secretary , School Education Department,
For St. George, Chennai-600009.

2.The Deputy Accountant General (A&E) (Pension)
Tamil Nadu, No. 361, Anna Salai
Chennai-600118.

3.The Director of School Education,
College Road, Chennai-600006.

4.The District Educational Officer,
Chennai South, Chennai-600008.

5.The Secretary,
NKT National Girls' Higher Secondary School,
No. 41, Dr. Besant Road, Triplicane,
Chennai-600005.



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6.The Pension Pay Officer,
The Assistant Accounts Officer,
Treasuries and Accounts Department,
DPI Complex, College Road,
Chennai-600006.

7.The Chief Manager,
Indian Bank, CPPC, IV Floor,
No.66, Rajaji Salai,
Chennai-600001.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned proceedings of the second respondent in AG (A&E) Legal Cell/WP 29032 of 2015/2156/108855, dated 26/02/2016 and quash the same as illegal, in operative in law and against to the principles of natural justice.

For Petitioner : Mr. R.Venkatesan

For Respondents : Mr. V.Vijayshankar – R2

Mrs. P. Rajarajeswari – GA – R1, R3, R4
& R6

No Appearance – R5 & R7

ORDER

The petitioner challenges the order dated 26.02.2016 passed by the second respondent. By the said order, it was held that there is no provision either under the Rules or under any Government Order to count the services



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rendered by the petitioner in the unaided Matriculation Service for the period from 20.06.1983 to 22.03.2000 for the purpose of pensionary benefits.

Consequently, the Matriculation service already included was directed to be excluded, and the legally entitled benefits were ordered to be revised and communicated.

2. The petitioner retired from service in the year 2013, and the services rendered in the Matriculation Service were initially taken into account for the purpose of computing pension and pensionary benefits. The petitioner also received pension and pensionary benefits accordingly. However, it was later noticed that the services rendered in a private institution had been erroneously included for the purpose of pension computation, which led to the passing of the impugned order.

3. The petitioner apprehends that the respondents may initiate recovery proceedings for the excess payment made on account of counting the prior service rendered in private institutions towards pension. However, this apprehension is unfounded, as there is no direction in the impugned order for recovery of the excess amount. The Hon'ble Supreme Court, in *State of Punjab and Others v. Rafiq Masih (White Washer) and Others* [(2015) 4 SCC 334], has held that recovery of excess amounts from retired employees, or employees



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who are due to retire within one year from the date of the recovery order, is impermissible.

4. Admittedly, the excess payment received by the petitioner was not on account of any fraud or misrepresentation on her part. Therefore, it is made clear that the respondents shall not recover the excess amount paid to the petitioner. However, the respondents are at liberty to revise the pension in accordance with the impugned order.

5. With the above observations and directions, the writ petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

04.12.2025

Index : Yes/No
Internet : Yes/No
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HEMANT CHANDANGOUDAR, J.

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