



W.P.No. 38580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2025

Coram:

THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN

W.P.No. 38580 of 2024

B.Dhanalakshmi

...Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply,
Secretariat, Chennai – 600 009
2. The Director,
Municipal Administration,
Salem.
3. The Commissioner
Thiruvallur Municipality Office,
Thiruvallur District
4. The Commissioner,
Ambur Municipality Office,
Ambur – 635 802
5. The Commissioner,
Salem Municipality,
Salem
6. The Commissioner,
Hosur Municipality,
Krishnagiri District



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7. The Director,
Local Fund Audit,
Kuralagam,
Chennai – 600 108

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to refund the amount of Rs.1,15,412/- recovered from the petitioner's husband late D.Bakthavachalam and further direct the respondents to pay 12% interest from 31.01.1998 till the date of payment or the date fixed by this Court.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.C.Selvaraj for R1 to R4, R6
Mrs.N.Devi for R5

ORDER

The present Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd respondent to refund the amount of Rs.1,15,412/- recovered from the petitioner's husband late D.Bakthavachalam and further direct the respondents to pay 12% interest from 31.01.1998 till the date of payment or the date fixed by this Court.

2. The brief facts of the case, as averred by the petitioner are as follows:-

(i) The petitioner's husband was appointed as Bill Collector on 25.09.1961 and thereafter, promoted as Revenue Inspector and retired on 31.01.1998. On



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the said date, a recovery order for Rs.1,33,188/- was issued alleging failure to collect time-barred arrears without prior notice or opportunity for defense. The Government issued Letter No.11683/MA/IV/96-8 on 22.10.1996 prohibiting recovery of time-barred arrears from retired employees and the 2nd respondent issued proceedings dated 03.12.1996 directing departments to pass resolutions waiving time-barred arrears. In compliance to the same, the 3rd respondent waived the time barred arrears amount by passing resolution dated 25.05.1998 in Resolution No.10 and disbursed the amount to petitioner's husband in the year 2000. Thereafter, the petitioner's husband had made several representations to the respondents seeking disbursement of the recovered amount, in response to the same, the 4th respondent sent a letter dated 06.08.2007 stating that objections has been raised against the said resolutions.

(ii) Further, the 2nd respondent failed to take note of the proceedings dated 03.12.1996 and the said respondent has no right to recover nor hold the amount. The petitioner's husband died on 12.01.2012 and the respondents have failed to reply to the earlier representations made by the petitioner's husband. Thereafter, the petitioner has approached the respondents and made several requisition, but there is no response, hence the petitioner has come up with this present Petition.



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3. The learned counsel for the petitioner would submit that the petitioner's husband was served as a Revenue Inspector and retired on 31.01.1998 and on that date, a recovery order for a sum of Rs.1,33,188/- was issued without prior notice. Though the Government and the respondents had waived such recoveries, yet the amount has not been refunded. Despite representations from the 2003 onwards, no action was taken. Now, the petitioner is 80 years old and solely dependent on her family pension, hence made repeated attempts to secure the withheld amount, however, the same has not been given, hence this petition.

4. Heard the learned Additional Government Pleader appearing for the respondents 1 to 4 and 6 and the learned Standing Counsel for 5th respondent on the submissions made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the present case and taking note of the fact that the petitioner is a widow aged about 80 years and the fact that this Court in several Writ Petitions, viz., W.P.Nos.49053 of 2006 dated 25.01.2007 and W.P.Nos.49804 of 2006 and 49805 of 2007 dated 16.03.2007 and W.P.No.29470 of 2007 dated 04.10.2007 held that the authorities cannot recover the time barred arrears, this Court is inclined to direct the respondents to pay the recovered amount along with 6% interest per annum from the date on which the amount became due and payable till the date of disbursement within a



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period of twelve weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time framed fixed by this Court, the same shall carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

In the result, the Writ Petition is disposed of. No costs.

08.01.2025

Index : Yes / No;

Internet : Yes / No

Speaking Order / Non Speaking Order
ssd

To

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2. The Director,
Municipal Administration, Salem.
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Thiruvallur Municipality Office,
Thiruvallur District
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V.BHAVANI SUBBAROYAN, J.

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