



W.P.(MD).No.103 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.103 of 2025
and
W.M.P.(MD).No.94 of 2025

M.Kaleeswari

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sivakasi Division,
Virudhunagar District.

2. The Treasury Officer,
District Treasury,
Virudhunagar.

3. The Sub-Treasury Officer,
Sub Treasury, Rajapalayam,
Virudhuangar District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the first respondent i.e., the Revenue Divisional Officer, Sivakasi in his proceedings in Na.Ka.No.A3/5876/2023-8 dated 25.05.2024, and quash the same and consequently direct the third respondent i.e., the Sub-Treasury Officer, Sub Treasury, Rajapalayam not to effect any recovery an to refund the recovery already effected from the month of June, 2024.



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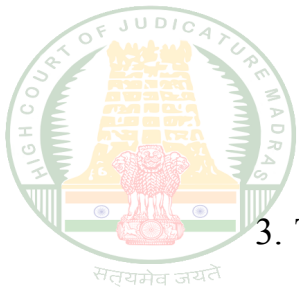
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by the wife of a deceased Village Administrative Officer, challenging the order of recovery passed by the Revenue Divisional Officer, on the ground that excess House Rent Allowance was paid to the petitioner's husband, while he was in service.

2. A perusal of the impugned order reveals that at the instance of the petitioner's husband, the respective Tahsildar has disbursed the excess House Rent Allowance to the petitioner's husband and the excess amount is sought to be recovered. In the impugned order, there is no reference about the period during which the alleged excess House Rent Allowance has been disbursed to him. The impugned order is also vague with regard to the applicability of the relevant Government Orders for payment of House Rent Allowance to the Village Administrative Officers.

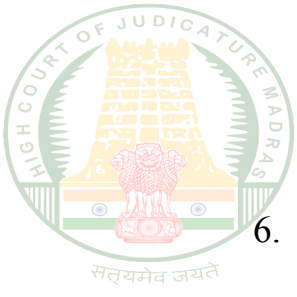


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3. The husband of the petitioner had retired 14 years prior to the passing of the impugned order. There is no allegation in the impugned order that the excess House Rent Allowance was paid to the petitioner's husband due to the mis-representation made by him. Since no Government Orders have been referred to in the impugned order relating to the disbursement of House Rent Allowance, this Court is not in a position to arrive at a finding whether at all any excess House Rent Allowance was paid to the writ petitioner.

4. In such circumstances, petitioner's husband, having retired 14 years back and the recovery is sought to be made after his retirement. Moreover, petitioner's husband was died on 30.09.2023. In such circumstances, this Court is of the considered opinion that the judgment of the Hon'ble Supreme Court reported in **(2015) 4 SCC 334** in the case of **(State of Punjab and other Vs. Rafiq (white washer) and others)**, is squarely applicable to the facts of the present case.

5. This Hon'ble Court, in a batch of 68 cases, by way of separate orders on 11.06.2024, has allowed similar writ petitions with a direction to refund the amount, if any already recovered.



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6. Considering the above said facts, the order impugned in this writ petition is set aside and in case, if any recovery has already been made, the respondents herein are directed to refund the same, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

06.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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