



W.P.(MD)No.3309 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3309 of 2023
and WMP(MD)Nos.3061 and 12207 of 2023

B.Kannan

... Petitioner

Vs.

1.The Secretary to Government,
Finance Department,
St.George Fort,
Chennai 600 009

2. The Secretary to Government,
Home (Transport) Department,
St.George Fort, Chennai 600 009

3. The Regional Transport Officer,
Virudhunagar, Virudhunagar District

4. The Regional Transport Officer,
Sivakasi, Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to impugned proceedings in Pro.R.No. 26567/B2/2022 dated 11.01.2023 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.P.Athimoola Pandian
for Mr.A.K.Baskara Pandian
For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader



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ORDER

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This Writ Petition has been filed against the proceedings issued by the third respondent in Pro.R.No.26567/B2/2022 dated 11.01.2023 wherein it is contemplated to recover an amount of Rs.4,29,027/- from the petitioner alleging that excess pay from 01.10.2017 to 31.10.2020 has been calculated and arrived as per the recommendations of the Assistant Accounts Officer without (Inter Audit Wing), Office of the Deputy Transport Commissioner, Virudhunagar.

2. On behalf of the respondents, a counter affidavit has been filed, wherein it is stated that the Government has decided to waive the excess payment received due to the erroneous fixation of pay scales.

3. The learned counsel for the petitioner also has drawn attention of this Court to G.O.(Ms.)No.412, Finance (Pay cell) Department dated 12.11.2020 wherein at paragraph No.18, it is clarified, which is extracted herein under:

"18. Consequent on the implementation of revision of scale of pay ordered by Pay Grievance Redressal Committee, 2019, it is ordered that any excess emoluments/Pension already drawn by the employees/Pensioners in the categories of Personal Assistant to Regional Transport Officer/Motor Vehicle Inspector Grade-I and



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Regional Transport Officer in Stage Transport Department upto
October 2020 shall not be recovered".

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4. Basing on the averments made in the counter affidavit and the clarification given in G.O.Ms.No.412, dated 12.11.2020, the learned counsel for the petitioner submits that the order impugned in this writ petition will not sustain and accordingly sought to quash the same by allowing this writ petition.

5. Having heard the respective counsels and on perusal of the materials available on record, there is sufficient force in the submission of the learned counsel for the petitioner. Vide G.O.(Ms.)No.412, dated 12.11.2020, it is clarified that consequent on the implementation of revision of scale of pay ordered by Pay grievance Redressal Committee, 2019 any excess payment made to the cadere of Motor Vehicle Inspector Grade-I shall not be recovered. The same is admitted by the respondents in their counter affidavit.

6. In view of the same, the impugned order will not sustain and the same is liable to be quashed .

7. Accordingly, this writ petition is allowed and the order impugned in



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this writ petition in Pro.R.No. 26567/B2/2022 dated 11.01.2023 issued by the

third respondent is hereby quashed.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

03.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM

To:

- 1.The Secretary to Government,
Finance Department,
St.George Fort,
Chennai 600 009
2. The Secretary to Government,
Home (Transport) Department,
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3. The Regional Transport Officer,
Virudhunagar, Virudhunagar District
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BATTU DEVANAND, J.

CM

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