

WP(MD).No.8157 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE K. RAJASEKAR**

W.P.(MD)No.8157 of 2019 and
WMP(MD).Nos.6413 and 11670 of 2019

S.Celine

.. Petitioner

Vs.

The Treasury Officer,
Treasury and Accounts,
District Treasury,
Trichy.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the respondent in O.Mu.2000 /19/M2, dated 19.02.2019 and quash the same and direct the respondent to restore the petitioner's original family pension.

For Petitioner : Mr.M. Saravanan

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader



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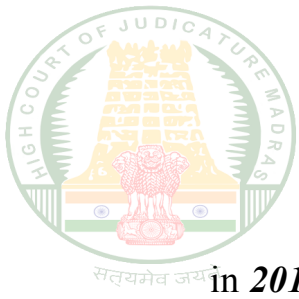
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ORDER

This Writ Petition has been filed challenging the recovery order passed by the respondent in O.Mu.2000/19/M2, dated 19.02.2019, to recover the excess family pension paid to the petitioner.

2. According to the petitioner, based on the audit objection, re-fixation of the family pension was made revising the family pension from Rs.11,940/- to Rs.8,507/-. Further, recovery of a sum of Rs.1,94,370/- was ordered, for the period from 2013-2018. She further submitted that she is a Cancer patient and she had not given any undertaking for repayment, at the time of receiving the family pension. Hence, without her knowledge, excess pension was fixed and family pension was paid to her. She has also stated that she has spent huge amounts for her medical expenses. The recovery order passed by the respondent is not proper and caused prejudice to meet her livelihood.

3. As per the Judgment of the Hon'ble Supreme Court in the case of *State of Punjab and others Vs. Rafiq Masih (White Washer)* reported



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in **2015 (4) SCC 334**, the excess family pension, which has been made to the family pensioner, cannot be recovered since the same was not obtained by making any false demand.

4. The learned Additional Government Pleader appearing for the respondent submits that the incorrect calculation regarding the excess family pension paid to the petitioner was communicated to her vide Letter No.Pdl/256/M2/2019, dated 22.01.2019. After obtaining concurrence from the petitioner, only the excess amount of Rs.1,94,370/- was recovered through monthly installments from her pension. The petitioner never raised any objections regarding the monthly recovery or the lump-sum recovery, and therefore, he prays for the dismissal of this Writ Petition.

5. I have heard the learned counsel appearing on either sides and perused the materials available on record.

6. In view of the settled legal position by the Hon'ble Supreme Court in the judgment cited supra that the excess pay could not be



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recovered, I am inclined to set aside the recovery order made by the respondent, dated 19.02.2019 made in O.Mu.2000/19/M2 and accordingly, the same stands set aside. However, insofar as re-fixation of family pension is concerned, the same is hereby confirmed.

7. In the result, this Writ Petition is partly allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

19.06.2025

Index: Yes/No
Internet : Yes/No
trp/Lm

To:

The Treasury Officer,
Treasury and Accounts,
District Treasury,
Trichy.



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K. RAJASEKAR, J.

trp/Lm

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