



W.P(MD) No.4087 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P.(MD)No.4087 of 2017

and

W.M.P.(MD)Nos.3244 & 3245 of 2017

V.Govindarajan (Died)

Anbuselvan

(Petitioner is substituted vide Court order
dated 26.09.2024 in W.M.P.(MD)No.20514 of 2024
in W.P.(MD)No.4087 of 2017)

... Petitioner

VS

1. The Accountant General (A & E),
Office of the Accountant General,
No.361, Anna Salai,
Chennai – 18.
2. The Director,
Pension Payment Directorate,
No.259, Annasalai, Block -3, II Floor,
DMS Compound, Teynampet,
Chennai – 6.



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3. The Treasury Officer,
District Treasury,
Thanjavur District.
4. The Treasury Officer,
Sub Treasury,
Papanasam,
Thanjavur District.
5. The Chief Educational Officer,
Thiruvarur,
Thiruvarur District.
6. The Head Master,
G.Hr.Sec.School,
Puthaharam (po),
Mannargudi,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in Ka.Mu.A. 57/2016/A1 dated 13.09.2016 and quash the same and consequently direct the fourth respondent to repay the recovery amount recovered from the pension of the petitioner.

For Petitioner	: Mr.T.Selvan
For R-1	: Mr.P.Gunasekaran
For R-2 to R-6	: Mr.M.Sarangan Additional Government Pleader



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ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent in Ka.Mu.A.57/2016/A1 dated 13.09.2016 and quash the same and consequently direct the fourth respondent to repay the recovery amount recovered from the pension of the petitioner

2. The petitioner was appointed as a Secondary Grade Teacher on 05.07.1966 and retired on 30.09.1996. However, the respondents have erroneously fixed the scale of pay applicable to a Middle School Headmaster. Since the petitioner served throughout his career as a Secondary Grade Teacher, he would be entitled only to the Selection Grade pay applicable to that post. The petitioner is not even entitled to Headmaster secondary grade school, but the salary fixed is applicable to the middle school Headmaster which is against the scale of pay applicable to the said post. Therefore, the petitioner is entitled for the said refixation applicable to Secondary Grade Post alone.



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3. The respondents had rightly initiated proceedings to recover the said amount. However, only a sum of Rs. 74,766/- was recovered initially. In the meantime, this Court granted an interim stay. Pending writ petition, the writ petitioner died, and his wife started receiving the family pension. Subsequently, the petitioner has paid the balance amount, since the respondents had stopped disbursing the family pension. As on date, the entire amount has been recovered. The petitioner now seeks repayment of the recovered amount. The said contention cannot be accepted, as the amount in question was an excess or illegal payment in the hands of the original writ petitioner. Once such an amount is recovered, it cannot be refunded, as doing so would amount to re-crediting an illegal payment. Moreover, both the pensioner and his wife, who was receiving the family pension have passed away. It is the pensioner's son, who is now seeking for recovery. In view of the above, this Court is not inclined to entertain this writ petition.



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4. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Internet: Yes/No
jbr

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S. SRIMATHY, J.,

jbr

5. The Chief Educational Officer,
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