



W.A(MD) No.81 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)No.81 of 2020
and C.M.P(MD)Nos.688 & 689 of 2020**

The Principal,
Arasan Ganesan Polytechnic College,
Sivakasi, Virudhunagar District.

... Appellant

-VS-

1. V.Srinivasan
2. The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai.
3. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai.

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent praying to allow this writ appeal and set aside the order passed by this Court dated 08.07.2019 in WP(MD). No.9728 of 2015 and dismiss the writ petition.



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For Appellant : Mr.N.Dilipkumar
For Respondents : Mr.Kasiraja,
for Mr.S.Visvalingam for R1
Mr.P.T.Thiraviyam,
Govt. Advocate for R2 & R3

JUDGMENT

(Judgment of the Court was delivered by ***C.V.Karthikeyan, J.***)

This Writ Appeal arises from an order of the learned Single Judge dated 08.07.2019 in W.P.(MD)No.9728 of 2015. That Writ Petition had been filed in the name of a Certiorari, calling for the records relating to a memorandum dated 06.04.2015 passed by the third respondent, the Principal, Arasan Ganesan Polytechnic College, Sivakasi in Virudhunagar District, who is the appellant herein.

2. The Writ Petitioner was working as a Lecturer and by the impugned order, recovery was issued based on the objections that excess payment had been made on account of erroneous fixation of scale of pay.



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3. The learned Single Judge, after examining the precedents in cases relating to recovery, had quashed the order of recovery dated 06.04.2015. It was also directed that the correct fixation of pay as applicable to the Writ Petitioner must be effected and the pension permissible must be paid in accordance with the pay rules and the Government Orders in force. Challenging that order, the third respondent in the Writ Petition has filed the present Writ Appeal.

4. The learned counsel for the appellant had drawn our notice to the re-fixation of pay of the respondent No.1. However, while determining the pension benefits, it was also determined that there should be recovery of Rs.1,01,746/- from the first respondent herein. The first respondent had addressed a letter dated 14.12.2022, accepting to the re-fixation of the pay and further undertaking that the audit amount due could be deducted from the pension benefits.

5. The learned counsel for the first respondent is present and he stated that the first respondent had concurred for the deduction of the excess pay from the pension benefits.



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6. We have considered the submissions made on either side and perused the materials available on record.

7. In view of the fact that the appellant had come forward to revise the pay and had also determined the pensionary benefits, the further direction issued by the learned Single Judge in para 5(iii) of the order that an enquiry has to be conducted and further steps will have to be taken departmentally, necessarily have to be interfered with by this Court. The appellant herein had complied with the substantial direction to refix the pay and to ensure that the pension benefits reached the first respondent herein. In view of that fact, the direction issued by the learned Single Judge in paragraph No.5(iii) of the order is set aside.

8. Accordingly, this Writ Appeal is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] [R.V., J.]
03.09.2025

vsm
NCC : Yes / No
Index : Yes / No
Internet : Yes / No



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To

1. The Principal Secretary,
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2. The Commissioner,
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C.V.KARTHIKEYAN, J.



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