



W.A(MD) No.1991 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.1991 of 2025
and
C.M.P.(MD)No.11438 of 2025

1.The District Treasury Officer,
District Treasury Office,
Collectorate Campus,
Theni-625 531.

2.The Assistant Treasury Officer,
Sub Treasury Office,
Uthamapalayam-625 533,
Theni District.

... Appellants / Respondents

Vs.

S.Srinivasagam

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.11846 of 2024, dated 06.06.2024.



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For Appellants : Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.R.Krishnamoorthy

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner joined the education department as demonstrator / lecturer in the year 1960 and retired in the year 1988. 35 years later, the appellant woke up and concluded that the writ petitioner's pension was wrongly fixed and effected recovery also. Challenging the same, W.P.(MD)No.11846 of 2024 was filed. The learned single Judge vide order dated 06.06.2024 held that recovery was impermissible. However, regarding re-fixation, the matter was remitted to the file of the authority concerned. It was directed that the writ petitioner would be given an opportunity of hearing before passing final order regarding re-fixation.



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3. We are clearly of the view that the order passed by the learned single Judge cannot be faulted on any ground. The appellant shall reimburse the recovered amount forthwith and without any delay. There cannot be any further recovery also. However, re-fixation order shall be passed within a period of twelve weeks. Till then, the writ petitioner has to be necessarily paid the pension originally fixed.

4. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
24.07.2025

Index : Yes / No
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