



WEB COPY

WP No. 11381 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26-03-2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 11381 of 2026**

K.Nagaraju  
S/o.R.Krishnan

..Petitioner(s)

Vs

1. The Director,  
Directorate of Employment and Training,  
Chennai.
2. The Deputy Director,  
District Employment and Carer Guidance Centre,  
Coimbatore-29.
3. The Accountant General,  
O/o.The Accountant General (A and E) Tamil Nadu,  
361, Anna Salai,  
Chennai-018.

..Respondent(s)

This writ petition filed under Article 12-retirement Benefit cum Pension to issue a writ of certiorarified Mandamus to call for the records pertaining to the impugned order of the second respondent in செயல்முறை ஆணை எண்.அ/1/ 307/ 2025 dated 24.09.2025 and quash the same as illegal and unlawful consequently direct the respondents to pay monthly pension to the petitioner as determined by the 2nd respondent vide his proceedings in Ref. No.A1/ 307/ 2025 dated 15.05.2025 and to refund the deductions made from the petitioner's death cum retirement gratuity more particularly within a time frame as may be stipulated by this Honble court.



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For Petitioner(s): Mr. J.Pooventherarajan

For Respondent(s): Mr. R.V.Dinesh Rajkumar,  
AGP, for R1 & R2

Mr. A.N.R.Jayaprathap,  
Standing Counsel, for R3

### **ORDER**

The writ petition has been filed seeking to quash the impugned order of the second respondent in Na.Ka.No.A1/ 307/ 2025 dated 24.09.2025 and for consequential direction to pay pension as originally fixed and to refund the amount recovered from the petitioner's DCRG.

2. The petitioner, after rendering 40 years of unblemished service, retired on 31.05.2025 as Employment Officer. At the time of retirement, his pay was fixed at Rs.51,000(level 18) and pension was sanctioned accordingly. Subsequently, the second respondent re-fixed the pay at Rs.49,500/- by reducing one increment and ordered recovery, pursuant to which a sum of Rs.2,04,562/- was deducted from the petitioner's DCRG. Aggrieved by the same, the petitioner submitted a representation dated 22.09.2025. However, without proper consideration, the impugned re-fixation order has been issued.



3. The learned counsel for the petitioner would submit that the impugned order has been passed without issuing any show cause notice or affording an opportunity of hearing, which is in violation of the principles of natural justice.

4. The learned Additional Government Pleader appearing for the respondents would submit that after retirement, the pension proposal was forwarded to the Accountant General, where it was found that excess payment had been made and therefore recovery was effected. However, he would fairly submit that no prior notice was issued to the petitioner.

5. I have considered the matter in the light of the submissions made on either side and perused the materials on record.

6. Admittedly, no notice was issued to the petitioner prior to passing the impugned order. It is a settled proposition of law that before effecting any recovery, especially after retirement, the principles of natural justice require issuance of a prior show cause notice and affording an opportunity to the employee. In the absence of such notice, the order of recovery cannot be sustained. On this ground also, the impugned order is liable to be set aside.



7. Further, the recovery that is now sought to be effected is contrary to the dictum laid down by the Hon'ble Supreme Court in the case of *State of Punjab and others /vs/ Rafiq Masih* reported in *2015(4) SCC 334*.

8. Considering the fact that the impugned order has been passed without issuing notice to the petitioner and without affording an opportunity of hearing, and without going into the merits of the case, this Court is inclined to interfere with the impugned order.

9. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent is set aside and the matter is remitted back to the second respondent for fresh consideration. The second respondent shall issue notice to the petitioner, conduct an enquiry, afford an opportunity of personal hearing, and thereafter pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

**26-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
MRP



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**P.T.ASHA, J.**

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