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W.P. No.5936 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

**WP No. 5936 of 2021
and WMP.No.6573 of 2021**

K.Saminathan (HC 738)

S/o. M. Kalimuthu,

NO. 110, 3rd Street,

Bakthavachalam Nagar,

Vyasarpadi,

Chennai - 600 009.

..Petitioner(s)

Vs

1.The Superintendent of Police,

Economic Offence Wing - II,

Guindy, SIPCOT,

Chennai - 600 032.

2.The Accounts Officer / Pen 5

S/o. The Principal Accountant General,

(Accounts and Entitlements) Tamil Nadu,

381, anna salai,

Chennai - 600 018.

..Respondent(s)



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from deduction any amount from the petitioner pursuant to the representation dated 03.02.2020 and direct the respondents to repay the deducted amount to the petitioner.

For Petitioner(s): Mr.K. Rahul

For Respondent(s): Mrs.V. Yamuna Devi, SGP for R1

M/S. Hema Murali Krishnan, SC for R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader as well as the learned Standing Counsel appearing on behalf of the respondents and perused the material papers placed on record.

2. On behalf of the petitioner, it is contended that aggrieved by the action of the second respondent in issuing the proceedings dated 01.08.2014 and the consequential proceedings of the first respondent dated 12.02.2015, the petitioner had approached this Court on an earlier occasion by filing a Writ Petition in W.P.10907 of 2019, seeking to restrain the respondents from giving effect to the aforesaid proceedings and also recovering the amount specified in the proceeding impugned therein.



3. It is further contended by the petitioner that during the pendency of the present Writ Petition, when the second respondent has started to effect recovery of the amount mentioned in the proceedings dated 01.08.2014 by deducting an amount of Rs.4206/- per month from the pension payable, the petitioner had approached this Court by the present Writ Petition, to forbear the respondents from effecting recovery and also to direct the respondents to remit the deducted amount of Rs.33,648/- from his pension.

4. On behalf of the petitioner, it is further contended that the challenge of the petitioner to the proceedings of the second respondent dated 01.08.2014 in W.P.10907 of 2019 has resulted in success, as this Court by its order dated 18.11.2025 had set aside the said proceedings issued by the second respondent and as such, the second respondent cannot undertake any recovery of the alleged excess payment drawn by the petitioner, from his pension.

5. The learned counsel appearing on behalf of the respondents submits that as this Court had set aside the impugned proceedings of the respondents, the cause of action in the present Writ Petition does not survive for consideration and the petitioner has to approach the respondent in order to



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claim refund of the amount if any deducted earlier by the second respondent, giving effect to the proceedings dated 01.08.2014 impugned in the Writ Petition in W.P.No.10907 of 2019 which was allowed by this Court on 18.11.2025.

6. In view of the aforesaid submissions and since, the impugned proceedings under which recovery was sought to be made having been set aside by this Court, this Court is of the view that the respondents cannot recover any amount from the pension payable to the petitioner. Insofar refund of any amount recovered is concerned, the petitioner is at liberty to approach the respondents for the same.

7. Subject to the above observations and liberty, the Writ Petition is closed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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S/o. The Principal Accountant General,
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T.VINOD KUMAR, J.

DP

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