



WEB COPY

WP No. 962 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 962 of 2026

D.Vijayakumar
S/o.Dharman
No.8/11 2nd Street
Rettaimalai Srinivasan Street
Tiruppathur
Tiruppathur District 635601.

..Petitioner(s)

Vs

1. The Accountant General (a And E)
No.361 Anna Salai
Teynampet, Chennai 600018.
2. The Forest Officer
Tiruppathur Division
Tiruppathur District.
3. The District Forest Officer
Tiruppathur Division
Tiruppathur District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the Order dated 26.06.2024 and the reduction of scale of pay and recovery as per the proceedings in Se.Mu.Aa.No.6158/2023/Pa-2 passed by the 2nd respondent in pursuance of the direction of 1st respondent in P27/3/12729265/ADK dated



22.12.2023 and 25.04.2024 and quash the same thereby sanction the Pensionary benefits based on last drawn scale of pay and refund the attached amount of Rs.3,68,549/- with interest @ 18 percentage per annum.

For Petitioner(s): A.R.Nixon
A.Jayachandran
V.Paul Panner Selvam
R.Vaitheeswari
K.Raju

For Respondent(s): Mr.T.Ravikumar for R1
Mr.C.Selvaraj, AGP for R2 & R3

ORDER

The Order dated 26.06.2024 and the reduction of scale of pay and recovery as per the proceedings in Se.Mu.Aa.No.6158/2023/Pa-2 passed by the 2nd respondent in pursuance of the direction of 1st respondent in P27/3/12729265/ADK dated 22.12.2023 and 25.04.2024, are put under challenge in the Writ Petition. Further, the petitioner has sought for a direction to sanction the Pensionary benefits based on the last drawn scale of pay and refund the attached amount of Rs.3,68,549/- with interest @ 18% p.a.

2. Heard the learned counsels appearing on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.



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3. The learned counsel for the petitioner submitted that the petitioner was appointed as Jeep Driver in the Forest Department on 24.06.1992 and retired from service on 24.04.2024 and drawing pension. He added that based on the letter of the first respondent dated 22.11.2023 in regard to wrong fixation of scale of pay to the petitioner and a communication dated 25.04.2024 to recover the excess amount from the petitioner, the impugned order was passed by the third respondent on 26.06.2024, due to which, the pay scale was reduced and a sum of Rs.3,68,549/- was recovered from the petitioner. He contended that excess amount paid to the petitioner due to wrong fixation by the department, cannot be recovered from the petitioner that too without any prior intimation or providing any opportunity and cited various pronouncements of the Court in regard to the said issue. Hence, the present Writ Petition before this Court for the aforesaid relief.

4. Considering the facts and circumstances of the case and the contentions put forth by the learned counsel for the petitioner, the impugned order of the third respondent dated 26.06.2024, is hereby set aside and consequently, this Court remand back the matter to the second respondent for a fresh consideration



and to pass appropriate orders, after providing an opportunity of hearing of the petitioner.

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5. The Writ Petition stands allowed with the above terms. There shall be no order as to costs.

20-01-2026

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

DP

To

1. The Accountant General (a And E)
No.361 Anna Salai
Teynampet, Chennai 600018.
2. The Forest Officer
Tiruppathur Division
Tiruppathur District.
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M.DHANDAPANI, J.

DP

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