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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.377 of 2026
and
CMP.(MD)No.3506 of 2026

N.Muthu

... Appellant

Vs.

1.The Branch Manager,
Canara Bank,
Thamaraipadi Branch,
Dindigul District.

2.The Superintendent,
Settlement Section,
Divisional Railway Manager Office,
Southern Railway Department,
Madurai.

3.The Canara Bank,
Centralised Pension Processing Centre,
Resources Wing, 29,
K.R.Road, Dwarakanath Bhawan,
Head Office-Annex, Basavanagudi,
Bangalore-560 004.

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of the Letters Patent



filed as against the order passed in WP.(MD)No.25324 of 2025 on the file of this Court dated 05.01.2026.

For Appellant : Mr.G.Gomathisankar

JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed by this Court in WP. (MD)No.25324 of 2025 dated 05.01.2026.

2.The appellant/writ petitioner challenged the recovery notice issued by the first respondent/Branch Manager, Canara Bank dated 05.07.2025 to recover a sum of Rs.11,52,906/-. It is the case of the appellant/writ petitioner that he was joined as Trolly Man at Dindigul by the Divisional Railway Manager, Madurai on 21.11.1988. He was promoted as Track Maintainer-II and after completion of service of 31 years, he was retired from service, on 30.06.2016. He maintains his pension account with the first respondent Bank. The first respondent Bank issued a notice to the



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appellant for refund of excess pension paid outstanding balance as on 05.07.2025 for a sum of Rs.11,52,906/-.

3.In the impugned notice dated 05.07.2025, wherein it is stated that the appellant was receiving basic as per 7th Central Pay Commission, and he is eligible to receive only a sum of Rs.23,125/- per month as pension. However, by mistake, a sum of Rs.35,688/- was credited during the period between March 2020 and April 2025. This mistake happened due to merger of Syndicate Bank with the Canara Bank. Once this mistake was found out, the impugned notice came to be issued. The appellant/writ petitioner challenged the aforesaid notice dated 05.07.2025 in the writ petition and the writ Court disposed the same with a direction that a sum of Rs.5,000/- shall be recovered from the appellant's account every month during his life time and also held that the first respondent/Bank shall not be entitled to recover any interest for a sum of Rs.11,52,906/-. Aggrieved over the same, the present writ appeal has been preferred.



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4.The learned counsel appearing for the appellant would submit that recovery of excess pension amount after more than five years cannot be recovered. There is no sufficient opportunity or show cause notice given to the appellant before issuing the impugned recovery notice for excess pension amount. The appellant has not committed any misrepresentation for receiving pension amount. The appellant is aged about 70 years and if the pension amount is deducted, the appellant will be put to irreparable loss and hardship.

5.We have considered the submissions made by the appellant side and perused the records carefully.

6.It is not in dispute that the appellant is entitled to receive only a sum of Rs.23,125/- per month as pension. However, by mistake, a sum of Rs.35,688/- was credited during the period between March 2020 and April 2025. It is to be noted that the first respondent Bank found that the said mistake was



happened due to the merger of Syndicate Bank with the Canara Bank and issued the notice dated 05.07.2025. Even though there is no mistake on the part of the appellant for receiving higher pension amount, any amount without authority of law can always be recovered and an obligation on the payee to repay the money, otherwise it would amount to unjust enrichment.

7.By considering the facts of the present case, the Writ Court ordered to recover a sum of Rs.5,000/- alone from the pension account for every month during the life time of the petitioner and also held that during the disbursement of family pension, a sum of Rs.2,500/- per month alone can be recovered. The writ further held that the respondent Bank shall not be entitled for any interest. Therefore, we are of the view that the order of the Writ Court is well considered order and there is no reason warrants to interfere with the same. Hence, this writ appeal deserves to be dismissed.



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8. In the result, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
18.03.2026

Index : Yes/No
Internet : Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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