BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08/04/2026

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.4062 of 2025

Palani ... Petitioner

Vs.

1. The Director of Pensioner,
Perasiriyar K.Anbalagan Maligai,
3rd Floor, 571, Anna Salai,
Nandanam, Chennai..

2. The Accountant General,
Office of the Accountant General,
Teynampet, Chennai 600 018..

3. The Treasury Officer,
District Treasury Office,
Madurai. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from deducting the amount of Rs.5000/- from the petitioners pension in P.P.O.No. R2217959 payable by the 1st respondent based on the representation 05.06.2024.

For Petitioner : Mr.K.Neethi
For R1 & R3 : Mr.B.Ramanathan
Additional Government Pleader
For R2 : Mr.P.Gunasekaran
Standing Counsel

ORDER

This writ petition has been filed seeking a writ of mandamus forbearing the respondents from deducting a sum of Rs.5000/- from the monthly pension being paid to the petitioner under PPO.No. R2217959 by considering the representation dated 05.06.2024 submitted by the petitioner.

2. The petitioner herein, who was initially appointed as Land Surveyor on 13.03.1985, was later promoted to the post of Assistant Director of Survey and Land Records at Madurai and retired from service on 30.06.2017. Accordingly, orders were issued in PPO. No. R2217959 granting pension in favour of the petitioner and all other terminal benefits were also released in favour of the petitioner.

3. While the petitioner has been drawing pension, which was fixed under 6th Pay Commission at Rs.4505/-, after implementation of the 7th Pay Commission, pension of the petitioner was revised to Rs.11,837/- with effect from 01.10.2017 vide proceedings of the Office of the Accountant General dated 27.08.2018. He was also paid arrears of Rs.26,170/- and he was paid the revised pension of Rs.11,837/- with effect from 01.11.2018. While so, the respondents have started

deducting an amount of Rs.5000/- from the monthly pension of the petitioner from the month of April 2024. In the light of the same, the petitioner has approached this Court by filing the present writ petition with the relief as stated above.

4. According to the learned counsel for the petitioner, the respondents started withholding an amount of Rs.5000/- per month from the month of April 2024 without affording any opportunity and without conducting any enquiry against the petitioner. However, the third respondent filed a counter affidavit stating that the Dearness Allowance of the petitioner had been revised based on the pre-revised scales of the 6th Pay Commission instead of the revised scales of the 7th Pay Commission. Consequence thereof, an excess payment of Rs.8,90,146/- has arisen during the period from 01.11.2019 till the month of November 2023. Having noticed the same, the respondent claims to have called the petitioner and informed him about the same. Accordingly, he has stated to have issued a consent letter for re-payment of the said amount in monthly installments at the rate of Rs.5000/- per month and permitted the respondents to withhold the same.

5. However, the learned counsel for the petitioner contended that the respondents have obtained the said consent letter from the petitioner in an arbitrary and high handed manner. The petitioner claims that he having left with no other option, as his pension is likely to be stopped, has issued such a letter in helpless condition.

6. There is no dispute on the factual aspects. However, admittedly, there is no adjudication done by the respondents by putting the petitioner on notice before arriving at a conclusion that there was any excess payment made in favour of the petitioner towards pension or Dearness Allowance. Without there being any enquiry conducted in accordance with law, it is not open for the respondents to recover the amount from the pension that is payable to the petitioner by simply placing reliance on the consent letter alleged to have been issued by the petitioner. Further, in terms of the law laid down in the case of **State of Punjab & Ors vs. Rafiq Masih (White Washer)** reported in **(2015) 4 SCC 334,** any excess payment made in favour of the persons, who already retired from service, cannot be recovered. But in the instant case, the petitioner has already retired from service as early as on 30.06.2017 and the amount that is paid

towards pension and Dearness Allowance after his retirement are sought to be recovered from the pension that is payable to the petitioner with effect from the month of April 2024. In the absence of any proper adjudication of the so called excess payment of pension to the petitioner by following the due process of law, the action of the respondents in deducting the amount from the pension at the rate Rs. 5000/- per month from the month of April 2024 cannot be sustained. Accordingly, the action of the respondents in deducting an amount of Rs.5000/- from the month of April 2024 is declared as arbitrary, illegal and in violation of Article 21 of the Constitution of India.

7. Accordingly, this writ petition is allowed. Consequently the respondents are directed to refund the entire amount recovered from the pension of the petitioner within a period of six weeks from the date of receipt of a copy of this order. However, this will not preclude the respondents to re-initiate any action strictly in accordance with law. No costs.

08.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

TO
1. The Director of Pensioner,
Perasiriyar K.Anbalagan Maligai,
3rd Floor, 571, Anna Salai,
Nandanam, Chennai..

2. The Accountant General,
Office of the Accountant General,
Teynampet, Chennai 600 018..

3. The Treasury Officer,
District Treasury Office,
Madurai.

MUMMINENI SUDHEER KUMAR, J

CM

WP(MD) No.4062 of 2025

08/04/2026