

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

THE HON`BLE DR.JUSTICE S.VIMALA

WP.No.34547 of 2018

and WMP.No.40083 & 40084 of 2018

K.PULLAIYANNAN

S/O.KANDASAMY, RETD. SECONDARY GRADE
ASSISTAN, PANCHAYAT UNION ELEMENTRAY
SCHOOL, T.KANIHARA HALI, NALLAMPALLI
PANCHAYAT UNION UNIT, NALLAMPALLI TAL

[PETITIONER IN BOTH THE
PETITIONS]

Vs

1 THE SECRETARY TO GOVT
FINANCE (P.C) DEPARTMENT,
FORT, ST.GEORGE, SECRETARIATE,
CHENNAI 600 009

[RESPONDENTS IN BOTH THE
PETITIONS]

2 THE DIRECTOR OF TREASURIES
AND ACCOUNT, CHENNAI 600 015

3 THE DISTRICT TREASURY OFFICER,
DDHARMAPURI, DHARMAPURI DISTRICT.

4 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, NALLAMPALLI,
DHARMAPURI DISTRICT.

5 THE PRINCIPAL ACCOUNTANT
GENERAL (A AND E), TEYNAMPET,
CHENNAI 600 018

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) Issue a writ of certiorarified mandamus or any other writ or order or direction in the nature of writ Calling for the records relating to the orders in R.C.No.1204/2017/E1 /dated 16/02/2018 and the consequential recovery order in R.C.No.1204/2017/E1 /dated 22/10/2018 of the 3rd respondent, Treasury Officer, Dharmapuri and quash the same and to direct the respondents to pay the monthly pension applicable to the post of Special Grade Elementary School Head Master which received by the

petitioner prior to the impugned orders, and further direct the respondents to refund the amount recovered so far from the petitioners monthly pension.(in WP.No.34547/2018)and

(ii)Stay all further proceedings pursuant to the orders in R.C.No.1204/2017/E1 /dated 16/02/2018 and the consequential recovery order in R.C.No.1204/2017/E1 /dated 22/10/2018 of the 3rd respondent, Treasury officer, District Treasury, Dharmapuri herein (in WMP.No.40084/2018) pending disposal of the above WP.No.34547/2018 respectively.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.THENNAN, Advocate for the petitioner in both the petitions, and of MR.A.N.THAMBIDURAI, Special Government Pleader taking notice for R1, R2 and R4 in both the petitions and of MRS.P.KAVITHA, Government Advocate takes notice for R3 in both the petitions the Court made the following order:-

Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for R1, R2 and R4.

Mrs.P.Kavitha, learned Government Advocate takes notice for R3.

Notice to R5 returnable by two weeks.

After 24 years of retirement, the recovery order is passed, is the contention raised. Considering the facts and circumstances, there shall be an order of interim stay for two weeks.

-sd/-

07/01/2019

/ TRUE COPY /

सत्यमेव जयते
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVT
FINANCE (P.C) DEPARTMENT,
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CHENNAI 600 009

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C.C. to M/S.K.THENNAN Advocate on payment of necessary charges

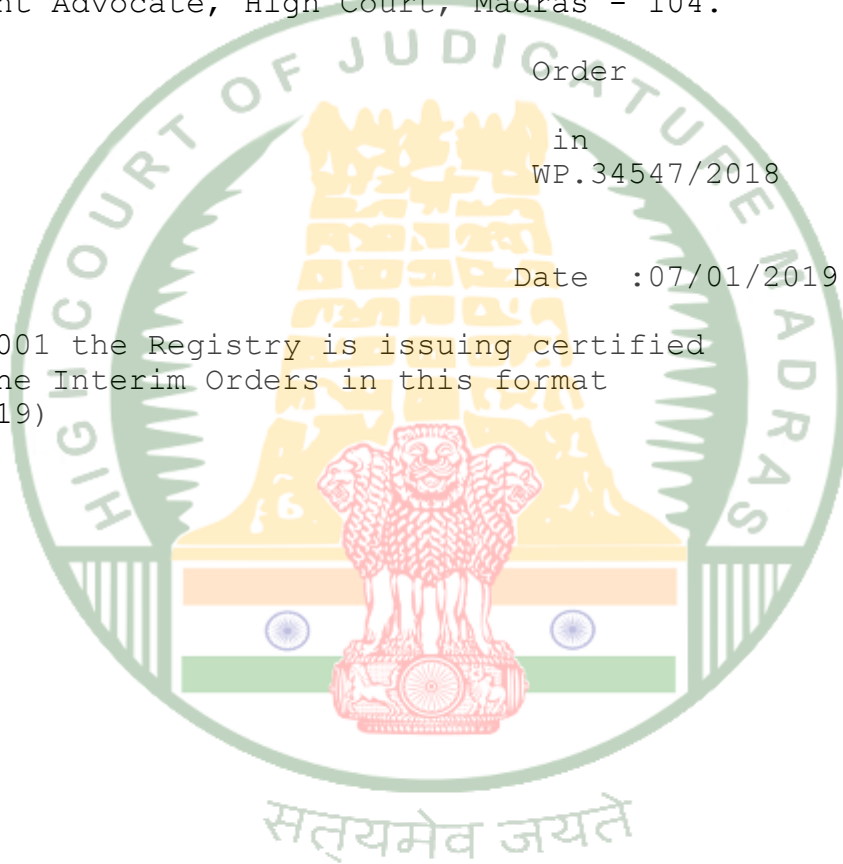
The Government Advocate, High Court, Madras - 104.

Order

in
WP.34547/2018

Date :07/01/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(11/01/2019)



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