

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.Nos.16034, 16035 and 16117 of 2015
and
M.P.Nos.1, 1 and 1 of 2015

Velusamy ...Petitioner in W.P.No.16034/2015
Mariaraj ...Petitioner in W.P.No.16035/2015
K.Ganesan ...Petitioner in W.P.No.16117/2015

Vs.

1. The Director of Town Panchayats,
Kuralagam Buildings, Chennai-108.
2. The Executive Officer,
Arasiramani Town Panchayat,
Salem District. ...Respondents in all W.Ps.

Prayer in all W.Ps.: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent dated 29.09.2014 issued in Na.Ka.No.131/2014 and quash the same and consequently to restore the salary to the petitioners as per the proceedings of the second respondent dated 12.03.2013 issued in Na.Ka.No.83/2013 by refunding the already recovered amount from the petitioners till the restroation of original salary.

For Petitioners : Mr.P.I.Thirumoorthy

For R-1 : Mrs.M.E.Raniselvam,
Government Advocate

For R-2 : Mr.R.Ravichandran,
Additional Government Pleader

COMMON ORDER

All the three writ petitions are taken up for final disposal, since the matters lie in narrow compass.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

3. The pay of the petitioners is sought to be refixed by the impugned orders dated 29.09.2014 and recovery also is ordered for the excess payment allegedly made to the petitioners.

4. The grievance of the petitioners is that the impugned orders are passed without hearing them.

5. A reading of the impugned orders discloses that no notice was issued to the petitioners before passing the impugned orders. The same is illegal and liable to be interfered with in view of the judgment of this Court in K.Viswanathan Vs. Superintendent of Police and another reported in 2013 (2) MLJ 412.

6. It is well settled that even in administrative matters, no order resulting in civil consequence could be passed to a person without hearing the person concerned.

7. In view of the same, all the three Writ Petitions are allowed and the impugned orders dated 29.09.2014 are quashed and the matters are remanded to the second respondent to pass fresh order after hearing the petitioners. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

सत्यमेव जयते

//True Copy//

Sub Assistant Registrar

jrl

To

1. The Director of Town Panchayats,
Kuralagam Buildings, Chennai-108.

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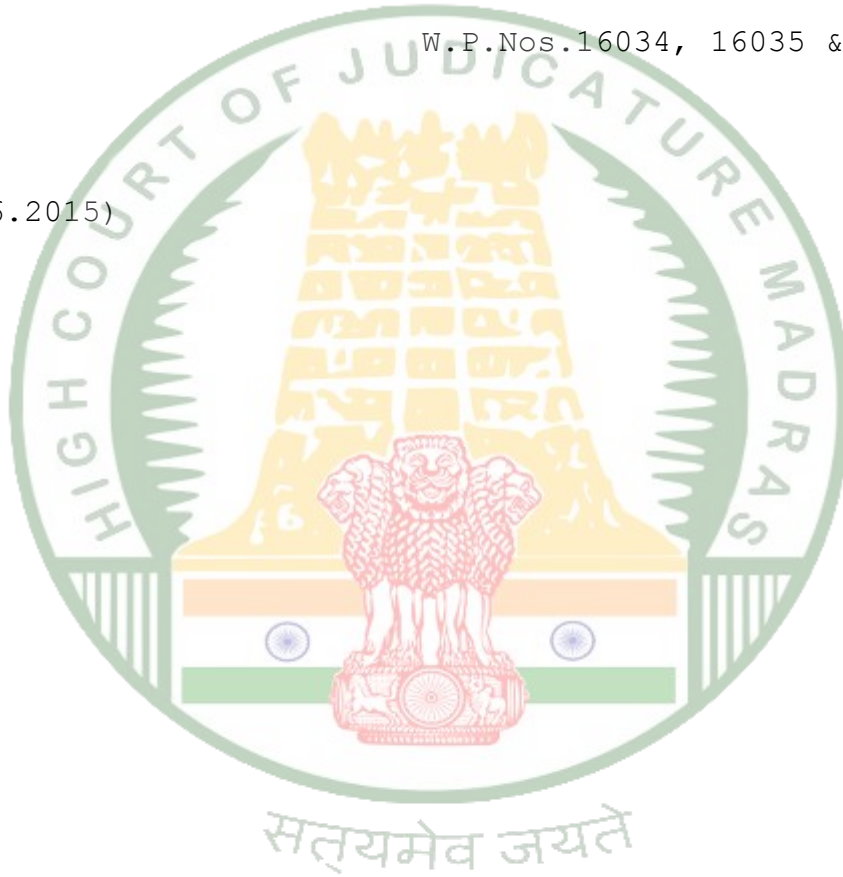
2. The Executive Officer,
Arasiramani Town Panchayat,
Salem District.

3 CCs to Mr.P.I.Thirumoorthy, Advocate SR.No. 27748, 27749, 27750

3 CCs to the Government Pleader, SR.No. 27458, 27457, 27476

W.P.Nos.16034, 16035 & 16117 of 2015

SV (CO)
PSI (22.06.2015)



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