

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.25524 of 2016
and
W.M.P.Nos. 21882 and 21883 of 2016

M.Pandurangan

.. Petitioner

Vs.

1.The Joint Director of School Education
D.P.I.College Road
Chennai-600 006.

2.The Chief Educational Officer
Cuddalore District.

3.The Joint Director (Audit)
School Education Department
Coimbatore.

4.The Headmaster
Government High School
Mazhavarayanallur-608 702
Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records made in the impugned order of the 3rd respondent in Na.Ka.No.578/E21/2016, dated 14.03.2016 and quash the same and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Sreedharan
For Respondents : Mr.A.Kumar
Special Government Pleader

* * *

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records made in the impugned order of the 3rd respondent in Na.Ka.No.578/ E21/2016, dated 14.03.2016 and quash the same.

2. The petitioner is working as B.T.Assistant (Tamil) in Government High School, Mazhavarayanallur, Cuddalore District. He was awarded Selection Grade scale of pay, for completing 20 years of services in the said post, on 03.08.2009. The respondents now sought to recover the same on the basis of the audit objection, by stating that the excess payment was erroneously made. Hence, the present Writ Petition has been filed, seeking the relief stated supra.

3. Mr.R.Sreedharan, the learned counsel for the petitioner would submit that the petitioner has been asked to give his explanation based on the audit objection. He would further submit that so far no recovery order has been passed. He would further add that even if the employer had made payment mistakenly to the employees, in excess of their entitlement, when there is no representation on misrepresentation, the recovery could not be effected.

4. Mr.A.Kumar, the learned Special Government Pleader would submit that the petitioner was asked only to give his explanation, based on the audit objection and that without giving an explanation, he has rushed to this Court by way of filing this Writ Petition.

5. On a perusal of the materials available on record, it is seen that the petitioner has been communicated with the audit objection calling for an explanation. Taking into consideration that the petitioner was asked only to give his explanation, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner to give his explanation, in detail, as to how, when the employer had made payment mistakenly to the employees in excess of their entitlement when there is no representation on misrepresentation, recovery could not be effected based on the audit objection; and as to how the audit objection will not affect his right to receive the increments awarded in the Selection Grade, within a period of one week from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.
paa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Joint Director of School Education
D.P.I.College Road
Chennai-600 006.

2.The Chief Educational Officer
Cuddalore District.

3.The Joint Director (Audit)
School Education Department
Coimbatore.

4.The Headmaster
Government High School
Mazhavarayanallur-608 702
Cuddalore District.

+ 1 cc to The Govt.Pleader, Sr 41954

+ 1 cc to Mr.R.Sreedharan, Advocate Sr 41785

KR/25/7/16

Writ Petition No. 25524 of 2016

सत्यमेव जयते

WEB COPY