

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.17364 of 2007

ORDER:

The grievance of the petitioner, an employee of the Singareni Collieries Company Limited, was that the company started effecting recovery of a sum of Rs.1,000/- from his salary from July, 2007, without notice. According to the petitioner, this recovery was being effected on the ground that excess payment had been made to him to the tune of Rs.18,347/-.

By order dated 14.08.2007, this Court granted stay of the recovery sought to be made by the respondent company.

Though a counter affidavit was filed by the General Manager of the respondent company, Srirampur Area, perusal thereof reflects that it is not the case of the company that any prior notice was given to the petitioner before effecting a change in his pay, whereby recovery could have been effected on the ground of excess payment. When the order proposed to be passed by the employer had an adverse civil consequence upon the employee, the employer is bound to adhere to the principles of natural justice, give an opportunity of hearing to the affected person and thereafter, take a decision in the matter. In the present case, it is not in dispute that this procedure was not followed.

On this short ground, the writ petition is allowed holding that the recovery sought to be effected from the salary of the petitioner from July, 2007, is illegal on the ground of violation of the principles of natural justice. This order shall however not preclude the respondent company from initiating action afresh, if warranted, in the matter in accordance with the due procedure laid down by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:23.09.2016

GJ