



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD) No.6853 of 2014
and
M.P.(MD) No.1 of 2014

I.Susila

... Petitioner

-vs-

The Principal District Munsif
Srivilliputhur

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.500, dated 11.04.2014 and quash the same.

For Petitioner : Mr.V.Rajkumar

For Respondent : Mr.D.Sivaraman, Standing Counsel

O R D E R

(Order of the Court by T.S.SIVAGNANAM, J.,)

Heard Mr.V.Rajkumar, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondent and carefully perused the materials placed on record.

2. This writ petition has been filed by the petitioner, who is working as a Grade-III Bench Clerk in the respondent Court, to which post she was promoted on 03.07.2013. The petitioner is aggrieved by the impugned order, which is an order of recovery of Rs.37,999/- on the ground that it has been paid in excess than the amount she is entitled to.



3. The primary ground on which the petitioner has questioned the impugned order is by contending that the impugned order has been passed without affording sufficient opportunity, without giving a show-cause notice, without conducting any enquiry and without submitting the documents, especially, audit report, which is the basis of the impugned order. Therefore, it is contended that the impugned order is in violation of principles of natural justice and liable to be set aside.

4. We have heard the learned Standing Counsel appearing for the respondent on the above submissions.

5. Though the impugned order contains a memo of calculation stating to be excess amount paid to the petitioner, she has not been issued show-cause notice prior to passing the same. Furthermore, the impugned order is based on the inspection report, dated 11.03.2014, which has been referred to in the impugned order. The contents of the said report have not been made known to the petitioner. Thus, we are convinced that the petitioner did not have effective opportunity to put forth her claim. Therefore, instead of quashing the impugned order, following directions only will meet the ends of justice:

- i. The respondent is directed to furnish a copy of the Inspection Report, dated 11.03.2014, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order,
- ii. The petitioner is directed to treat the impugned order as a show-cause notice and submit her explanation within a period of two weeks thereafter.
- iii. On receipt of the explanation to be submitted by the petitioner, the respondent is directed to consider the same and pass a speaking order on merits and in accordance with law, within a period of two weeks thereafter.

6. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.D.Sivaraman, Advocate, SR.No.53275

krk/skm

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