



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15649 of 2017

and

W.M.P. (MD) Nos.12367 and 12368 of 2017

K.Mutharasi

... Petitioner

Vs.

1. The Principal Secretary / Commissioner,
Treasuries and Accounts,
Office of the Principal Secretary /
Commissioner of Treasuries and Accounts,
Chennai - 15.

2. The Treasury Officer,
Office of the Treasury Officer,
Thoothukudi District,
Thoothukudi.

3. The Assistant Treasury Officer,
Office of the Assistant Treasury Officer,
Sub-Treasury,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records connected with the impugned order in ந.க.எண்.6788/2016/அ2, dated 08.02.2017 on the file of the second respondent and subsequent show cause notice in உ.க.அ.எண்.87/2016/அ1, dated 01.03.2017 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

Mr.K.Guru, learned Additional Government Pleader takes notice of the contents of the writ petition and the respondents. By consent, the Writ Petition is taken up for final disposal.



2.The present writ petition is directed against the impugned notice, dated 01.03.2017, issued by the third respondent herein, seeking to recover the alleged excess salary paid to the petitioner giving 15 days time to submit her explanation on the ground that when the second respondent in his proceedings, dated 08.02.2017, directed the third respondent to make recovery from the petitioner's salary on the basis of the Audit Report, dated 23.12.2016.

3.The grievance of the petitioner placed before this Court shows that when the Treasury Officer, Thoothukudi, second respondent herein has come to the conclusion on the basis of the Audit Report, dated 23.12.2016, that the petitioner was paid with excess salary from the date of her appointment i.e., on 12.01.2010, the copy of the Audit Report, dated 23.12.2016, has not been furnished to the petitioner, without which, the petitioner would not be in a position to give a detailed statement to defend her case to the present impugned recovery notice, dated 01.03.2017, issued by the third respondent.

4.A perusal of the impugned proceedings, dated 01.03.2017 and 08.02.2017 issued by the second respondent directing the third respondent does not reflect that copy of the Audit Report, dated 23.12.2016, has been furnished to the petitioner. Therefore, the petitioner may not be in a position to give a detailed explanation to the impugned show cause notice, dated 01.03.2017, issued by the third respondent, within 15 days time.

5.Therefore, this Court directs the second respondent to furnish the following documents to the petitioner within a period of one week from the date of receipt of a copy of this order.

1.A copy of the Audit Report, dated 23.12.2016.

2.A copy of the Letter in Na.Ka.No.325/15/A1, dated 13.06.2015 of the Assistant Treasury Officer, Sub-Treasury, Thiruvaiyandam.

3.A copy of the Letter in Na.Ka.No.669/D2/2016, dated 23.12.2016, of the Principal Secretary/Commissioner, Treasuries and Accounts.

On receipt of the same, the petitioner is directed to give her detailed explanation to the third respondent within three weeks thereafter. On receipt of the petitioner's explanation with the aforementioned three weeks time, it is for the third respondent to pass appropriate orders on merits and in accordance with law and till such time, the impugned proceedings shall be kept in abeyance.



6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary / Commissioner,
Treasuries and Accounts,
Office of the Principal Secretary / Commissioner of Treasuries
and Accounts,
Chennai - 15.
2. The Treasury Officer,
Office of the Treasury Officer,
Thoothukudi District,
Thoothukudi.
3. The Assistant Treasury Officer,
Office of the Assistant Treasury Officer,
Sub-Treasury,
Thoothukudi.

+1 cc to Mr.S.Malaikani , Advocate in SR.No. 73558

+1 cc to The Special Government Pleader in SR.No.73878

mm/smn2

AE/KK/SAR2/18.09.2017/3P/6C

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