

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 17.05.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEEW.P(MD) .No.9046 of 2017 and
WMP(MD) .No.6909 of 2017

Jeyakumar

... Petitioner

Vs.

1. The Director of Elementary Education,
Chennai.
2. The District Elementary Educational Officer,
Sivagangai District.

...Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order of the second respondent dated 09.05.2017 in Na.Ka.No.2621/A5/2016 and quash the same.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.J.Anandkumar
For Respondent : Mr.V. Muruganandam
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order of the second respondent dated, 09.05.2017 in Na.Ka.No.2621/A5/2016 and quash the same.

2. Mr.V.Muruganandam, learned Additional Government Pleader takes notice on behalf of the respondents.

3. Heard the learned counsels appearing on either side.

4. The learned counsel appearing for the petitioner submitted that the second respondent in his proceeding dated 09.05.2017 has refixed the salary of the petitioner based on the communication received from the first respondent, dated 10.04.2017, whereby the second respondent has indicated that the petitioner's salary has been wrongly fixed and that he is liable to repay the amount paid in excess of the salary for the period covering from 10.07.2016 to



01.07.2017. He further added that when the salary of the petitioner is refixed, the petitioner ought to have been put on notice about it, since it leaves civil consequence on the right of the petitioner. He also added that the impugned order also has directed the petitioner to pay the entire amount said to have been over paid to him due to wrong fixation of salary in one installment is also onerous since the petitioner has many years of service left.

5. Considering the grievance of the petitioner, this Court deems it appropriate to give an appropriate right of hearing to the petitioner and accordingly, the impugned order is set aside and the matter is remanded back to the second respondent, who would issue proper notice to the petitioner and extend personal hearing to him on the subject. Thereafter, the second respondent is directed to decide the issue within a period of four weeks from the date of receipt of a copy of this order. On determination, such amount if actually becomes re-payable by the petitioner, the second respondent shall recover the same in 12 equal monthly installments.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

1. The Director of Elementary Education,
Chennai.
2. The District Elementary Educational Officer,
Sivagangai District.

+1cc to Special Government Pleader, SR.No.56755
+1cc to M/S. J.ANANDKUMAR, Advocate, SR.No.56775

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