

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4748 of 2018

R.A.Doss

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Commissioner of Municipal Administration
and Water Supply Department
Fort St.George
Chennai 600 009
2. The Commissioner
Erode City Municipal Corporation
Erode 638 001
3. Deputy Director of Local Fund Audit
O/o Erode City Municipal Corporation
Erode .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.C1/1138/2017 dated 15.06.2017 on the file of the second respondent and quash the same; consequently direct the respondents to restore the petitioner's scale of pay at Rs.5200-20200+2400 and continue to pay the same in the present post and also to refund the recovered amount of Rs.27,854/- from the salary of the petitioner's salary for month of June 2017.

For Petitioner

::: Mr.P.Rajavel

For Respondents

::: Mr.V.Prabhu

Government Advocate for R1

Mr.M.Rajamathivanan for R2 & 3

ORDER

This writ petition is directed against the impugned order passed in Na.Ka.No.C1/1138/2017 dated 15.06.2017 by the Commissioner, Erode City Municipal Corporation, in and by which the

petitioner's pay was re-fixed and consequently he has been directed to repay the excess amount of Rs.1,70,654/-.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned counsel for the respondents 2 & 3.

3. When similar orders of re-fixation of pay and recovery were issued by the second respondent against similarly placed persons working along with the petitioner, they came to this Court with the Writ Petition Nos.15937, 16114, 16213 to 16215, 16575, 16182, 17212, 17409 & 19452 of 2017 seeking to quash the orders with a consequential direction to the respondents to restore their pay at Rs.5200-20200+2400 and continue to pay the same, this Court, by order dated 8.8.2017, allowing the writ petitions, quashed the orders of recovery passed against the writ petitioners therein.

4. Both the learned Government Advocate for the first respondent and the learned counsel for the respondents 2 & 3 fairly conceded that the similar orders passed by the second respondent were already quashed by this Court in the aforementioned writ petitions, therefore, no purpose would be served in keeping this writ petition pending.

5. Since the impugned order challenged in this writ petition was passed behind the back of the petitioner without even issuing notice violating the principles of natural justice, following the order passed by this Court in similar writ petitions referred to above, the impugned order is quashed and the writ petition stands allowed. Needless to mention that if any amount pursuant to the impugned order has been recovered, the same shall be paid back to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Consequently, W.M.P.Nos.5863 & 5864 of 2018 are closed. No costs.

सत्यमेव जयते

-Sd/-

Assistant Registrar

// True Copy //

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Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration
and Water Supply Department
Fort St.George
Chennai 600 009

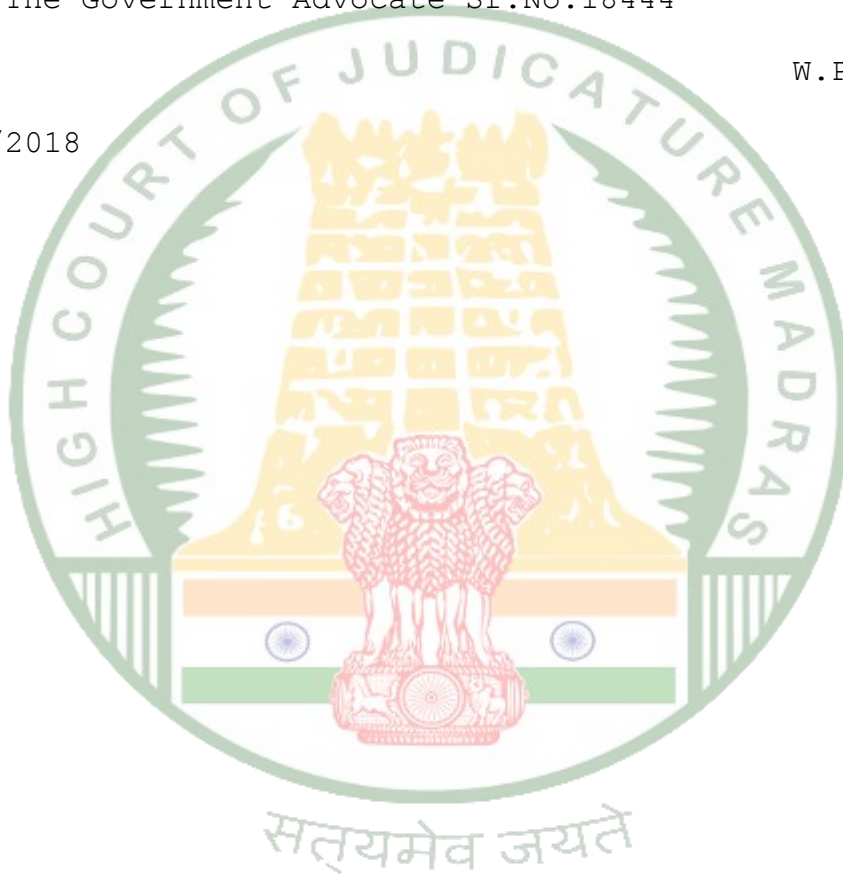
2. The Commissioner
Erode City Municipal Corporation
Erode 638 001

3. The Deputy Director of Local Fund Audit
O/o Erode City Municipal Corporation
Erode

- 1 cc to Mr.P.Rajavel, Advocate Sr.No. 16501
- 1 cc to Mr.M.RAjamathivanan, Advocate Sr.No. 16502
- 1 cc to The Government Advocate Sr.No.18444

W.P.No.4748 of 2018

CO(RSY)
RRI 23/03/2018



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