

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.33409 of 2017
and
W.M.P.No.36895 of 2017
and
W.M.P.No.7857 of 2018

N.T.Vijayalakshmi ...Petitioner

Vs

- 1.The Director of Elementary Education,
College Road,
Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Tiruvallore District,
Tiruvallore.
- 3.The Assistant Elementary Educational Officer,
R.K.Pet Panchayat Union,
R.K.Pet,
Tiruvallore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or order or direction, particularly in the nature of Writ of Certiorari, calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.No.485/A1/2017, dated 07.11.2017 and quash the same.

For Petitioner :M/s.A.S.Kaizer
For Respondents:Mr.K.Karthikeyan, GA

ORDER

The order of recovery issued by the 3rd respondent in proceedings dated 07.11.2017 is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the incentive increment granted in the year 2011 is sought to be recovered through the impugned order of recovery without any notice and opportunity given to the writ

petitioner.

3.The learned Government Advocate appearing on behalf of the respondents is unable to dispute the fact that a show cause notice was issued to the writ petitioner. Thus, the order affecting the rights of the writ petitioner has been issued without providing reasonable opportunity to the writ petitioner and accordingly in violation of the principles of natural justice.

4.Thus, the present writ petition is a fit case for remittance. Accordingly, the impugned recovery order passed by the 3rd respondent in proceedings in Na.Ka.No.485/A1/2017 dated 07.11.2017 is quashed. The respondents are directed to issue show cause notice, setting out all the particulars to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and thereafter, on receipt of the explanation from the writ petitioner, the final order shall be passed within a period of twelve weeks thereafter.

5.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1.The Director of Elementary Education,
College Road,
Chennai - 600 006.

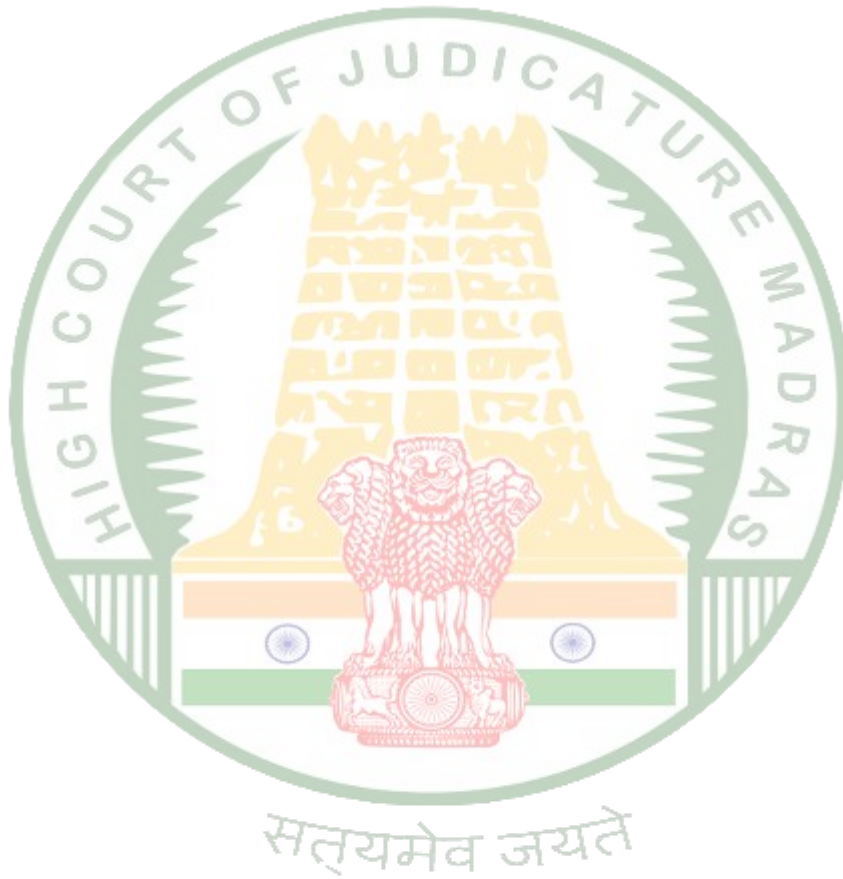
2.The District Elementary Educational Officer,
Tiruvallore District,
Tiruvallore.

3.The Assistant Elementary Educational Officer,
R.K.Pet Panchayat Union,
R.K.Pet,
Tiruvallore District.

+1 CC to Mr. Kaizer, Advocate sr 36031.
+1 CC to The Govt. Pleader sr 35876.

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SP(13/06/2018)



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