

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2454 of 2018

C.Murugan

.. Petitioner

-vs-

1. The Director of Town Panchayat
Kuralagam
Chennai 600 108

2. The Executive Officer
Anthiyur (Selection Grade) Town Panchayat
Anthiyur 638 501
Erode District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records connected with the proceedings issued in Na.Ka.No.335/2017 dated 12.01.2018 passed by the second respondent and quash the same.

For Petitioner :: Mr.S.Ilamvaludhi

For Respondents :: Mr.R.S.Selvam
Government Advocate for R1
Mr.N.Manikandan
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the impugned order of recovery said to have been issued without prior notice.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that the petitioner's time scale of pay has been unilaterally revised without giving any chance or opportunity to explain his side of the story. As there is no notice issued, the impugned order of recovery based on the audit objection cannot be allowed to be proceeded further, as this would infringe upon the principles of audi alteram partem.

3. Heard the learned Government Advocate and the learned standing counsel for the respondents.

4. I could also see from the impugned order that no notice whatsoever has been issued to the petitioner. Therefore, this Court, instead of keeping the matter pending, directs both the parties to treat the same as an initial notice issued to the petitioner. Accordingly, the petitioner is granted two weeks time to submit his explanation to the second respondent. On receipt of the explanation, if any, the second respondent is further directed to consider the same on merits and pass appropriate orders within a period of four weeks thereafter. Till then, the respondents shall not act upon the impugned order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.2975 of 2018 is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Director of Town Panchayat
Kuralagam
Chennai 600 108
2. The Executive Officer
Anthiyur (Selection Grade) Town Panchayat
Anthiyur 638 501
Erode District

+1 cc to Mr.S.Ilamvaludhi Advocate sr 8779

+1 cc to the Govt Pleader sr 9012 & 9016

सत्यमेव जयते

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